

NATIONAL MUNICIPAL REVIEW

VOL. IX, No. 11

NOVEMBER, 1920

TOTAL No. 53

VIEWS AND REVIEWS

I

THE twenty-sixth annual meeting of the National Municipal League will be held at Indianapolis, November 17, 18 and 19. Headquarters will at be the Claypool Hotel. We go to Indianapolis as the guests of the chamber of commerce. Robert E. Tracy, director of the research division of that body is acting for the committee on arrangements.

The Governmental Research Conference and the National Association of Civic Secretaries will meet at the same time and place. The Indiana Municipal League and the Indiana Commercial Secretaries' Association will hold joint sessions with us.

II

THE progress report of the committee to draft a model state constitution is published in this number. It will be formally presented at the Indianapolis meeting for debate and further advisory voting. In the meantime give it some study and come to Indianapolis ready to agree or disagree with the committee's proposals as your intellect guides you.

The progress report covers the so-called structure of government. While

not accepting the state manager idea, some of its proposals are radical enough to insure good fighting for years. The outstanding features are an elected governor, a single-chamber legislature elected for four years under proportional representation, and a legislative council, chosen by the legislature as a permanent standing committee or cabinet. The legislative council is designed to furnish much needed leadership in legislation and to exercise on behalf of the legislature proper supervision over administrative affairs. The governor is given sole power of appointment and removal of department heads. They are to have seats in the legislature and will naturally develop close working relations with the leaders of that body now publicly recognized by virtue of their position on the council. The plan looks to greater harmony, more elastic administrative powers plus closer scrutiny and sharper responsibility. It also recognizes that legislation as well as administration is an all year job.

The state manager advocates have never acknowledged final defeat, although outvoted at Cleveland last year. Their retreat, if they ever did retreat, was for strategic purposes purely. Come to Indianapolis and help settle this question.

III

WE clip the following from a Philadelphia newspaper:

A city government cannot be depended upon to reform itself. Reform usually comes by pressure from without, not by explosion from within. Municipal home rule may come hereafter. It is a vision of perfection.

Distrust of our rulers is common enough, but distrust of our neighbors is indeed serious. Of course we can pack up and move but there is no guarantee that our new neighbors will be less indecent than the old. With all due sympathy to Philadelphia we submit that relief from the "local power that dominates its elections" cannot be gained by continuing the present minute oversight of the state legislature. Philadelphia cannot ride to glory on the wings of the virtuous legislators from up-state. When the "local power that dominates" goes to the legislature for strength and support, up-state virtue dissolves in thin air. A free judgment is as necessary to the community as to the individual if up-standing personality is to be developed. Over-centralization in government, as in business, means apoplexy at the brain with atrophy in the parts.

IV

ANNOUNCEMENT has been made by the director of the census that the financial statistics of cities and states will not be collected and compiled for the fiscal year 1920. The reason given is the heavy pressure of work imposed on a limited staff by the fourteenth decennial census.

While appreciating fully the position in which the director of the census finds himself, and realizing the varying opinions as to the value of the financial statistics in the past, we submit two

propositions: First, the financial difficulties enmeshing our cities to-day make it imperative that we have all possible data at hand for their solution. Second, this fact should be impressed upon all concerned, including Congress, to the end that the 1920 statistics be published, late if need be; and that steps may be taken to improve the form and content of such statistics in the future, that they may be made increasingly useful.

V

SIXTY-ONE honest men (two women and fifty-nine men to be accurate) located and made members of the league during September! Sixty-one out of the 1,000 wanted, not bad considering Diogenes stumbled on them in the dark before the October REVIEW was in your hands and your discriminating glance had a chance to light him on his way.

That sixty-one honest men interested in sound government methods can be stumbled on in the dark speaks well for the country and for the early realization (when you shed your light abroad and start sending in the names and addresses of those you have found) of the thousand members wanted.

If you have not yet sent in your list send it along now and give us a chance to test it out, and incidentally to test out the civic spirit of your friends.

We sincerely welcome the sixty-one public spirited men and women who joined our ranks during September and we suggest that they join our hunt for those who may make up the 939 new members wanted.

In December we will report first, new members secured during October; second, the number of lists of good "prospects." Third, the "Diogenic" quality of your discrimination.

TWENTY-SIXTH ANNUAL MEETING OF THE NATIONAL MUNICIPAL LEAGUE

INDIANAPOLIS, INDIANA, NOVEMBER 17, 18 AND 19

HEADQUARTERS, CLAYPOOL HOTEL

PROGRAM

Wednesday, November 17—

- 10.00 A. M. Service at Cost for Street Railways—Panacea or Nostrum. By representatives of cities which are trying it.
Joint session with the Indiana Municipal League.
- 1.00 P. M. Luncheon—The Crisis in Civil Service.
Joint session with the Governmental Research Conference.
- 6.30 P. M. Informal Dinner—Business meeting—Election of Officers and Council.
Progress Report of Committee on Model State Constitution, with advisory voting.

Thursday, November 18—

- 10.00 A. M. How the City Manager Plan Works—The Latest Evidence.
Joint session with the Indiana Commercial Secretaries' Association.
Dr. A. R. Hatton; City Managers: Ashburner, Freeman, Osborn and others.
- 1.00 P. M. Luncheon—Methods whereby Civic Organizations Influence Elections.
Joint session with the National Association of Civic Secretaries.
A frank comparison of experience.
- 6.30 P. M. Dinner—The Fate of the Direct Primary.
Governor James P. Goodrich presiding.
Presidential address—Hon. Charles E. Hughes.
Address—Prof. C. E. Merriam.
Report of Committee on Electoral Reform—Dr. Ralph S. Boots.

Friday, November 19—

- 10.00 A. M. Government Aids to Housing.
Legislative efforts to fix rents; Canadian government loans; the North Dakota Home Building Association; the proposed Federal mortgage bank.
- 12.30 P. M. Joint Luncheon with Indianapolis Chamber of Commerce.
- 2.30 P. M. Metropolitan Areas; City-County Consolidation.
Round Table Session with the National Association of Civic Secretaries.

PHILADELPHIA'S NEW COUNCIL

BY F. P. GRUENBERG

Director, Philadelphia Bureau of Municipal Research

*The new, single chamber body shows creditable improvement over
the old bicameral system. :: :: :: :: ::*

No supporter of Philadelphia's new charter, however zealous, will go so far as to assert that the new small council has quite come up to all the fond hopes held out for it, but it is equally undeniable that the new chamber has shown itself to be vastly superior to the old arrangement.

Instead of two chambers with an aggregate membership of 145 there is a single body of 21; instead of unsalaried members often holding clerkships or offices in the county departments there is now a salary of \$5,000 for each councilman with a charter prohibition against dual office holding.

Those who express disappointment attribute it to the personnel, making much of the fact that 14 of the 21 were members of the old discredited councils. They also assert that very few of the entire number can be held out as the moral or intellectual type that was glowingly described during the charter campaign as the kind of councilman Philadelphia would get.

The old councils were composed very largely of ward and division political leaders, and the sudden reduction in the membership produced rather better qualitative results than might reasonably have been expected. Now that the step has been taken and the minor political fry have either been otherwise rewarded or have been eliminated, there is every reason to be optimistic as to the public's insistence in the future on better candidates for council.

Unfortunately, the more reactionary newspapers and the professional poli-

ticians have made a great deal of capital out of the shortcomings of the new council and have shown no enthusiasm for its very substantial gains over the old system. They naturally are tempted by the human weakness for saying "I told you so."

In fact, the new council is a great improvement. Not only is it simpler and more business-like in theory, but it actually functions better in practice. For instance, it is significant that the attendance record is now virtually perfect, the rare absences usually being due to serious illness. It is noteworthy, too, that the important committees are almost always up-to-date in their work.

Another gain is that the sessions of the council are more frequent and that a special session is called when necessary without hesitation.

The meetings themselves are less perfunctory and there is real deliberation and often genuine debate, neither of which was so much as attempted in the old unwieldy body.

There is still a tendency to follow the "bell-wether" on roll calls, though there is less of this than of yore. Each councilman signifies now, and it is easy for reporters and citizens in the gallery to observe what goes on during the sessions.

The millenium has not yet been achieved in municipal affairs through reorganizing Philadelphia's council, to be sure, but a distinct step forward has been taken.

WINNIPEG TRIES PROPORTIONAL REPRESENTATION

BY D. B. HARKNESS, M.A.

General Secretary, Social Service Council of Manitoba

Proportional Representation was first used in Winnipeg at the recent election of members of the provincial legislature. It returned representative members where the two party system had broken down ::

IN the recent election of members to the legislature of the province of Manitoba the proportional representation system was used in the city of Winnipeg. The whole of the city area was made one constituency with the right to elect ten members to the legislative assembly.

In all, forty-one candidates were nominated. Ten nominees carried the banner of the Norris government. There were ten Conservative candidates, and ten Labor candidates.

In addition to these eleven independents representing various and diverse attitudes of mind also sought election.

When the first count was completed it was found that there were 47,427 good ballots. It may be noted in passing that the total vote cast was 48,246 of which 819 ballots were rejected. The quota was 4,312.

Two candidates were elected on the first count. One was elected on the second count. The fourth candidate was elected on the thirty-first count. The fifth on the thirty-second count. The sixth and seventh were elected on the thirty-third count, and the eighth, ninth, and tenth were elected on the thirty-seventh count. An analysis of the votes of the first count shows Labor with 20,167 being 42.5 per cent of the total. Norris government candidates show first counts totaling 14,423 or 30.4 per cent. Conservative candi-

dates 6,475 being 13.7 per cent. Independent candidates 6,362 or 13.4 per cent.

An outstanding feature of the first count was the heavy vote in favor of F.J. Dixon, the labor leader. His first counts total 11,586, being 7,274 more than he needed. The only other elected on the first count was Honorable T. H. Johnson, attorney general of the Norris government. Mr. Johnson had, however, a surplus of less than 100 votes. When the second choices of Mr. Dixon's surplus were distributed it was found that every other candidate in the running appeared among the second choices of his ballots. The second choices of the 11,586 ballots on which Dixon was first choice were distributed as follows:

For Labor candidates.....	10,075
For Norris government candidates....	368
For Conservative candidates.....	310
For Independent candidates.....	766
Non-transferable.....	67

This tendency to break down party lines came out constantly in the counts. For instance when the votes credited to Christie, a Conservative candidate, were transferred, it was found that 33 went to Labor candidates, 145 to Norris government candidates, and 157 to Independent candidates, while 1,354 went to other Conservatives.

The final results gave the Norris government four supporters; the Labor

party four supporters, and the Conservatives two. If the second choices on Dixon's ballots had all gone to Labor undoubtedly five Labor members would have been elected. It is very significant, however, for the city of Winnipeg, that Dixon should have had so many votes from others than adherents of the Labor group. A study of the whole 47,427 ballots with a view to their showing in respect to Dixon was even more significant. It was unofficially stated that his name as a choice (a first choice, or a tenth choice or something in between) appeared on about 38,000 ballots. This is a remarkable testimony of the breaking down of old party lines. It would indicate that very few voters adhered to a straight party slate.

The count was made under the direction of Mr. Ronald Hooper, general secretary of the Proportional Representation Society of Canada. Mr. Hooper is a citizen of Ottawa. The organization built up by him for taking the counts consisted of: three supervisors, two calculators, two transfer clerks, four chief sorters, and forty sorters. The counting began on Tuesday evening. The final counts were

completed on Saturday morning at 2.30 o'clock. The entire time occupied in making the count was forty-six working hours.

Certain points of interest may be alluded to:

(1) More than half of the candidates lost their election deposits.

(2) No Independent candidate was elected.

(3) The percentage of ballots spoiled was small and compare favorably with elections under the old system.

(4) The number of ballots non-transferable when the final count was taken was only 1,867.

It would appear, therefore, that the Winnipeg experience proves the value of the proportional representation and that it is practicable with a large number of candidates in the field. There has been almost no criticism of the results except on the part of some supporters of Labor, who perhaps failed to realize that the first choices of Dixon were not all from regular supporters of Labor, and that the widespread distribution of his second choices is a much better omen for the future than had all his first choice ballots carried second choices for other Labor candidates.

THE MOVEMENT FOR COUNTY GOVERNMENT REFORM IN MICHIGAN

BY C. ROY HATTEN

Secretary, Grand Rapids Citizens' League

MICHIGAN COUNTIES STILL IN DARK AGES

IN August, 1918, the Grand Rapids Citizens' League commenced agitation for improvement of the form of county government in Michigan, suggesting specifically the same general plan as is followed in commission manager cities.

It will be remembered that Michigan and Wisconsin are the two states which still hold to the old antiquated form of large supervisor body with a long ballot containing all the different offices that have ever been invented as a part of county government. There are obsolete offices, unnecessary offices, and boards *ad infinitum*. The "head" of

the county is a board of supervisors, sometimes of 48 members, meeting generally four times a year for a few days or a week at a time. In the interim there is no head to the county government. Although there are in most of the other states smaller governing bodies, it is generally accompanied with a long ballot which leaves but little similarity to the commission manager form of government as used in our cities. This subject should, therefore, be of interest to residents of all states, and the Grand Rapids Citizens' League believes it is helping to foster a movement which will be productive of much progressive government if adopted generally.

FREQUENT SCANDALS AND CONSTANT WASTE

There is scarcely a county in Michigan in which there has not been, within the last fifteen years, some official scandal sometimes bordering on criminality. In Detroit two years ago there was a heavy defalcation of county funds. In Grand Rapids within the present year large shortages of several thousand dollars in the books of the secretary of the good roads commission were discovered and an audit is being made of the books at the present time from which no report has as yet been forthcoming. Over two years ago a former county sheriff was prompted by disclosures being made, to pay into the county treasury, over \$1,200 illegally retained from fees collected.

One year ago the Grand Rapids Citizens' League made a detailed comparison of the prices paid by the different departments of the county in which there has been no centralized purchases with the prices paid for the same articles by the city of Grand Rapids purchasing department under the commission manager form of gov-

ernment. These prices show that the county paid an average of 31.54 per cent more than the city for the same articles during the period covered. Comparisons were also made with the poor department purchases, which in many instances were very illuminating, but the records of that department were so scattered in two different offices that no averages were made. For example corresponding prices paid by the city and county for coal were \$3.60 and \$4.50 per ton; for flour, \$12 and \$14.20 per barrel; for sugar, \$9.82 and \$10.27 per sack; for ivory soap, \$6 and \$8 per box.

All of these matters are symptoms of the real trouble, which is an antiquated form of county government without any centralized responsibility or authority. The county has been operated much like a business in which each different department was separate and working against each other without any regard for results or business efficiency.

HOME-RULE ADVOCATED

In December, 1919, a conference was called at Lansing at which were present many prominent citizens and officials from various parts of the state and much enthusiasm was apparent for a study and campaign in connection with this matter, and a committee was appointed consisting of Robert T. Crane, professor of politics, University of Michigan, chairman; Elvin Swarthout, lawyer; Orville E. Atwood, farmer and state representative; and the writer as secretary to the committee.

After considerable study this committee sent questionnaires to several thousand representative people throughout the state including all newspaper editors, county clerks, sheriffs, prosecuting attorneys, mayors, presidents of boards of trade, Rotary, Kiwanis, and

Exchange clubs, state officials and legislators and many supervisors in certain typical counties. These questionnaires have met with generous response and called forth not only liberal promises of support and favorable editorial comment, but manifested sufficient interest to furnish a nucleus for a working organization in nearly every county of the state in any campaign which may be launched in support of this movement. Of the total answers received, 67 per cent were in favor of a small commission to govern the county, and nearly all of these pledged their active support, 29 per cent were non-committal in the absence of a detailed program, and 4 per cent were opposed to any change whatever. About two-thirds were for home rule provisions, giving each county the right to draft its own charter, and one-third were for uniform government in all counties. As the method of procedure, 45 per cent favored the initiative and agreed to help with petitions, 26 per cent favored legislative action, and 29 per cent had no suggestions.

It soon became evident to the committee that the problems of all counties were not the same, and that no county should have forced upon it a plan which it did not desire, and still a county which desired improvement should not be prevented from taking action because other counties were not awake to the need. The committee therefore decided to ask the next legislature to submit to vote of the people a constitutional amendment which would make possible a subsequent legislative enabling act whereby the people of any county could vote to change their form of government. To adopt this amendment it is necessary to have a majority vote of the people of the state, and before any county can be affected at all by this amendment it is necessary

to have a majority vote of the people of that county.

THE PROPOSED AMENDMENT

The following is the text of the proposed amendment:

Proposed Amendment to Article VIII of the Constitution of Michigan, to Be Known as Sec. 15 A.

Sec. 15-A—The legislature shall enact general laws for the establishment of charter forms of county government in counties, providing that counties may frame, adopt and amend charters for their government and amend any existing laws relating to their local organization. But such law shall not go into operation in any county until approved by a majority of the electors thereof voting on such question. When such law is thus made operative in any county, the duties, powers, emoluments and functions of all constitutional and statutory county officers—excepting those of judges and circuit court commissioners—shall at once be transferred, vested in, and thereafter exercised by such officials as shall be designated or chosen pursuant to such charters; and thereupon all the duties, powers, franchises and functions—whether constitutional or statutory, legislative, judicial or administrative—of the board of supervisors, county superintendents of the poor, county road commissioners, board of county auditors, board of jury commissioners, county sinking fund commissioners, trustees or commissioners of county hospitals, work farms and work-houses, as well as those of any and all other officials, boards or bodies, exercising county powers, duties, franchises or functions, shall be transferred to, vested in, and thereafter exercised by such officials as shall be designated or chosen pursuant to such charters.

The situation in Detroit is different from the other cities only in degree. The evil results of the system become aggravated as the loss becomes larger in amount and the inefficiencies more constantly noticeable. There, as in all other counties under the old system, county government is a relic of the dark ages, but in the cities it is more frequently called to the attention of the citizens.

THE RECALL IN SIOUX CITY, IOWA

BY AVERY L. CARLSON

Morningside College

*The story of the recall in Sioux City can now be told impartially.
It is a contribution to the slender testimony on the subject.* ::

THE unsuccessful attempt to recall Mayor Wallace M. Short of Sioux City, Iowa, on June 16, 1919, was the culmination of a continuous struggle between capital and labor. Sioux City is a typical, cosmopolitan, mid-western city of 71,227 people. It is located in a rich agricultural region on the Missouri river. Meat packing is the leading industry; although there are numerous small factories.

Wallace M. Short was elected mayor in 1918 as the candidate of organized labor. He was a graduate of Yale University, a former pastor of a local church, and for many years had been interested in labor problems. His administration was a stormy one. In September the commissioner of public safety was removed from office through judicial proceedings on the grounds that he had "been guilty of drunkenness and maladministration and corruption in office." The mayor then served for over a month as acting head of this department. In this capacity, he called for the resignation of the chief of police, for "the good of labor." This officer promptly resigned.

THE RECALL PROPOSED

On September 18, the daily press announced that a recall petition against the mayor was being circulated "by certain labor representatives." It was stated that the mayor's testimony as a character witness for the I. W. W. in their famous trial in Chicago, in

July, 1918; his attitude toward the deposed councilman; his request for the resignation of the chief of police; and his attitude towards the selection of a man for the vacancy on the council were to be attacked. It was persistently stated that labor men were behind the recall movement; but prominent labor leaders disclaimed any responsibility for the move. The mayor then announced that "he welcomed a fight to the finish against his anonymous enemies, who were using labor men as 'catspaws.'" "I am convinced," he declared, "that organized labor is not behind this movement."

Subsequently the trades and labor assembly, consisting of over 100 delegates representing 43 unions, unanimously passed a resolution condemning the recall movement. Until this time the sponsors of the recall had refused to come out in the open. On September 27, however, the personnel of the recall committee was made public. It consisted of two preachers, and fifty-two business men. The movement then faded into the background until April 22, 1919.

Meanwhile public attention was directed to other matters in city affairs. In October, 1918, the council agreed on a union labor man for the public safety department. In January, 1919, this officer accused the police judge of inefficiency, and called for his resignation. It was not forthcoming. After a stormy session of the city council, the council voted three to two to oust him, the

mayor and one councilman voting "nay." The commissioner of public safety contended that a majority vote of the city council removes an appointive officer, and cited a section of the code to that effect. The mayor ruled, however, that a two-thirds majority was necessary to dislodge the police judge. Accordingly he continued to hold office until the expiration of his term, when he was not reappointed.

THE MAYOR WELCOMES THE I. W. W.

In March, 1919, the local papers announced that the I. W. W. were planning to hold their national convention in Sioux City in April. The mayor then made the following statement: "Sioux City is powerless to stop the I. W. W. convention. . . . As long as they conduct themselves like good citizens, we cannot interfere. . . . Stirring up fire against people because they hold radical opinions is unwise. . . ." The commissioner of public safety also admitted that he could not "head off the meeting"; but that "the I. W. W. are being watched." On April 1 definite announcement that the "Wobblies" were to gather in Sioux City was made by their local secretary. "There will be no machine guns, however," he said. "It will be a gathering of quiet, peaceable American citizens, who are bound together in one common cause." On April 16, the secretary invited the mayor to deliver the address of welcome to the national convention of the agricultural section of the Industrial Workers of the World and a few days later the mayor announced that he had "accepted the invitation, as he would a request of like character from any other organization."

Until the opening of the convention, the mayor was severely criticised by various individuals and organizations.

Much newspaper publicity was given the proposed address of welcome. The mayor announced that he was not afraid of criticism, but that he could not understand the publicity being given the matter. It was reported that other members of the city council considered his act unwise. The county officers stated that they had no power to act, unless violence occurred. The state attorney-general advised that nothing could be done, unless a crime or an act of violence was committed. Meanwhile the newspapers featured the coming I. W. W. convention. Excitement was running high. What would the mayor do?

All doubt was settled when the mayor appeared before the convention and read an extended address of welcome. He mildly rebuked them for their radical opinions; but also expressed sentiments of sympathy for them. The local press featured the address, but printed only short extracts of it. Feeling was freely fanned by the newspapers.

The next day, the county sheriff, fearing mob violence on the part of the populace, deputized 150 citizens, and marched down on the convention hall. The convention visitors quickly dispersed; and when the officers of the law reached the hall it was empty, except for a few officers of the convention, who protested vigorously against the interference with their right of free speech. But the sheriff closed the door, and securely padlocked it.

THE RECALL REVIVED

That evening 100 self-styled representative citizens held a mass meeting in a prominent downtown hotel and took action to recall the mayor. A recall committee was appointed to manage the movement. The chairman was authorized to appoint a committee of

five, to meet a similar committee to be appointed by the trades and labor assembly, which committee of ten were to select a candidate to oppose the mayor. A motion was passed to use the old recall petition, and add a number of names to it. The gathering was assured by several business men that organized labor would back the recall. A few labor leaders were present in their individual capacities, not as labor delegates.

Strong efforts were then made to get the union men to go ahead with the recall; but it was soon apparent that union labor would fight it. This was made evident by resolutions of various labor unions upholding the mayor. On May 1, delegates representing thirty-seven unions held a meeting at the Trade and Labor Assembly, and unanimously voted confidence in the mayor. All but sixteen of the unions in the city were represented. The mayor himself was present, and made a rousing address in which he declared that he welcomed a fight.

The recall petition containing 4,528 names was duly filed with the city clerk and nine days later certified to the city council as sufficient. Monday, June 16, 1919, was fixed by the council as the date for the recall election. The fight was on.

The trades and labor assembly having failed to name a committee of five, the chairman of the recall committee called a meeting of the signers of the recall petition to select a candidate to oppose the mayor. A retired locomotive engineer, who carried a union card in the railway engineers brotherhood was selected. It was argued that, being a union man, he had the proper label to win the labor vote and it was hoped that he "could rob the mayor of his thunder." His petition was duly filed with the city clerk.

THE CAMPAIGN

The mayor then challenged the recallers to debate the issues throughout the city, declaring that he had a right to know the charges against him, and to meet his accusers face to face. The chairman of the recall committee replied that "there is nothing to debate. Everyone knows why the mayor is being recalled. He has brazenly shown himself to be in sympathy with the I. W. W." The recallers made the issue one of patriotism as against disloyalty; the stars and stripes, against the red flag. Their candidate was unaccustomed to public speaking, so his backers were drafted to present his case. Very little interest was shown in their meetings; although the newspapers gave space liberally to their addresses. The mayor, who had the advantage of a liberal education, enthusiasm, fearlessness, oratorical powers, and the loyal support of labor, made a whirlwind campaign, speaking in movie theaters, the school buildings, and elsewhere. He posed as the defender of organized labor. He directed his attacks chiefly at a group of four or five wealthy business men, whose names he freely mentioned. He characterized them as "a little coterie of men, who finding that they could not control the mayor, had determined to seize control of the city government." All kinds of issues were injected into the campaign. On the final day, a labor rally was held at the city auditorium. It was preceded by a parade of 2,000 labor men, led by three bands, and one hundred returned soldiers in uniform.

The recall election was an overwhelming victory for the mayor. He won by a majority of 1,962 votes out of a total of 9,456. In the election of March, 1918, he had won by a majority of 1,792 votes out of 10,338 votes cast.

This was the largest city election up to that time; but was surpassed on March 29, 1920, when Mr. Short was re-elected mayor by a majority of 66 votes out of 13,072 votes cast. An interesting feature of the recall election was the fact that the recall candidate did not poll as many votes as there were signers to the recall petition. 4,528 men signed this petition, but only 3,747 voted against the mayor.

The mayor having been returned to office, the commissioner of parks and public property resigned, as he had threatened to do, if the recall was unsuccessful and the council unanimously

elected a young locomotive engineer to succeed him. The mayor then called for the resignation of the chairman of the city planning commission, who refused to resign on the grounds that he had been appointed by the city council. The city council then unanimously ousted him, after which he made an unsuccessful appeal to the district court.

It is significant that during this disturbed political situation, there was practically no public criticism of the commission form of government under which the city has been operating since 1910.

STATE LEGISLATURES AND THE RENT PROBLEM

A REVIEW OF RECENT LEGISLATION

BY S. EDWARD HANNESTAD

Compiler, Pennsylvania Legislative Reference Bureau

"All rental property and apartments are affected with a public interest."—*Rhode Island Legislature.* :: :: :: ::

1

THE condition brought about in the rental situation by the cessation of building operations during the recent war and the return of the soldiers, led the legislatures of the various states in session in 1919 and 1920 to propose a large number of measures seeking to *relieve the general distress which had resulted, and to enact a few of these measures into laws.* Unlike the British and Canadian governments, the states struck directly at the evils of rent profiteering and indiscriminate evictions, rather than to seek rectification along the lines of supply and demand by the encouragement of building through government aid, the excellent results of which system in Canada are well described by Mr. Al-

fred Buckley in the August issue of the NATIONAL MUNICIPAL REVIEW.

11

Massachusetts is the only state at the time of this writing which has adopted the principle of government aid in increasing the supply of available dwellings. Chapter 554 of the laws of 1920 permits cities and towns to acquire and improve property for residential purposes, and to dispose of it in such manner as to provide shelter for its inhabitants. The right to acquire property under the act is limited until January 1, 1922.

A more elaborate system of municipal aid is outlined in a bill voted down by the legislature of New Jersey, which would permit the municipalities

of that state, within three years from the passage of the measure, to acquire property for dwelling houses, and to lease such dwellings on a system of competitive bidding or by lot for a period not exceeding three years. Provision is also made for the sale of such property, with a requirement that all property held by a municipality under the act must be sold within five years of its passage.

The legislatures of New York and New Jersey in session during the month of September adopted measures designed to stimulate building by directly exempting new improvements for dwelling purposes from taxation for a period of five years (New Jersey); and by permitting municipalities to so exempt new buildings planned for dwelling purposes exclusively, for a period of ten years (New York). New York further made bonds of the state land bank a legal investment for state and municipal funds; and excepted new buildings from the rigorous rent profiteering and anti-eviction legislation.

The encouragement of private building enterprise was suggested in Rhode Island as the solution of the rent problem, by the creation of a commission to "formulate a plan to encourage, assist and promote home building and home ownership." This measure, however, failed of passage. Along this same line, Wisconsin in 1919 enacted a law providing for the formation of housing corporations on a co-operative plan. It is believed, however, that the existing corporation laws in most states are sufficient to permit the creation of such corporations without special enactment.

III

The rent legislation generally considered by the several states was that looking to the relief of householders

from ruthless evictions by landlords. The greater part of these measures took the form of permitting a stay of proceedings for periods varying from twenty days to twelve months in actions to dispossess a tenant, or of lengthening the period of notice to quit before an action to regain possession of dwelling places might be brought. The legislatures of Massachusetts, New Jersey, New York, Oregon, Pennsylvania and Rhode Island had before them bills of this kind, a fair number of which were enacted into laws. While these measures are an undoubted boon to the tenant in possession who is unable immediately to secure other accommodations, they in no wise tend to relieve the public calamity of house shortage; but have rather the contrary effect, as in many cases they operate to prevent or retard the conversion of single dwellings into two or three family apartments, which is one of the quickest solutions for the immediate need.

Closely allied with the provisions just discussed are the laws adopted in Massachusetts and New York, making it a misdemeanor on the part of a landlord, who is required so to do by the terms of the lease or otherwise, to wilfully and intentionally fail to furnish water, heat, light or other service or to wilfully and intentionally interfere with the quiet enjoyment of the leased premises by the occupant; also the New Jersey law which prohibits a landlord from terminating monthly tenancies between October first and April first, and the New York law which requires competent evidence that a tenant is objectionable before he may be evicted in a case where the landlord has the right under the lease to terminate it if he deems the tenant objectionable. More to the point is the New Jersey law making it a misdemeanor to refuse to rent a house

or apartment to a family having children under fourteen.

IV

Next in point of number come the rent profiteering bills, most drastic of which is that introduced in both houses of the Rhode Island legislature at its 1920 session, but which failed to become a law. These bills provided for a state commissioner of rents with liberal powers in the matter of making investigations, and with power to arbitrate rent claims complained of as exorbitant. The bills also contemplated the appointment of appraisers in certain cases, from whose decision an appeal to the superior court would lie. Somewhat similar is the bill which failed before the Pennsylvania legislature of 1919. This measure provided for a bill in equity to determine the fair and equitable rental of premises, when an action for possession or for rent was pending. The larger portion of the rent profiteering legislation, however, left the burden of determining the fairness of the rent to the court in which the original action for possession or for rent was brought, by declaring oppressive agreements for rent unenforceable (as in Massachusetts), or by allowing the defense in an action for rent that the rent charged is unreasonable, or requiring a plaintiff seeking to recover possession of a

dwelling to allege and prove that the rent is no greater than that for which the tenant was liable for the month preceding the default (as in New York). New York further requires a landlord in actions of this character to file a bill of particulars showing the income, available space, assessed valuation, original investment and current expenses connected with the building of which the premises in question is a part.

Whatever may be the virtues of this species of legislation, its decided tendency is to limit rather than increase the number of available rent properties, to stifle rather than to encourage the building industry for rent purposes. The scarcity of housing accommodations is more likely to be intensified by laws of this type, as it encourages property owners to sell at exorbitant prices (the prohibiting of which has not even been suggested), rather than to rent at a low rate of profit. The average man can better afford to pay excessive rents than he can afford to purchase his own home on an inflated real estate market. The only real solution for the rent problem is to make available for immediate occupancy a larger number of dwelling places. To do this, government aid in some form seems ultimately to be the only effective means which a legislature can employ—to get at the cause of the problem, instead of vainly dealing with its effects alone and ignoring the cause.

ZONE FARES FOR STREET RAILWAYS

THEIR RELATION TO HOUSING CONGESTION AND COMPANY FINANCES

BY WALTER JACKSON

Consultant Electric Railway Fares and Motor Buses, Mt. Vernon, N. Y.

It is an interesting coincidence that a deeper and wider study of the relation of city planning to transportation should be made by a noted traffic engineer at the very time when metropolitan transportation conditions are passing through the worst crisis in their history. Of recent studies on this subject, none is more scholarly than that by James Rowland Bibbins on "City Building and Transportation," read before the Western Society of Engineers May 12, 1920, and published in the August 20 *Journal* of that body. Every reader of this article is urged to secure a copy of this splendid analysis of the aspects of city planning, or "building" as Mr. Bibbins prefers to call it, from the viewpoint of a transportation engineer who has had unexcelled opportunities for first-hand study.

Yet, it is necessary to temper praise of Mr. Bibbins' monograph in one vital respect—the relation of zone fares to city and metropolitan layout. Like almost every other American transportation engineer he takes for granted that the zone fare is a cause of congestion. Contrasting one-fare versus fare zones, he asserts that their "influence are exactly opposed—one centrifugal, the other centripetal"—and we are told that "the flat fare encourages home building in the suburbs; the zone fare forces tenement building in the close-in districts, which become more and more congested with growth. The one brings a railway system face

to face with the embarrassing problem of curtailing over-development desired by greedy landowners; the other brings its problems of development of trunk line capacity to keep pace with the increasing density." Again: "Unquestionably a fare zone has the effect of placing a strong rubber band around the district in question, always urging dwellers toward the center, and from this point of view it would be considered the last resort."

We all know that the zone fare is highly developed abroad while almost unknown here. Consequently, we might have expected Mr. Bibbins to contrast congested foreign with non-congested American cities. But what is the burden of his paper? That we must rebuild our cities to *avoid* congestion or at least avoid large congested areas! So it seems that we have congestion after all, despite the fact that these very cities grew up under a universal 5-cent fare.

THE FARE SYSTEM IS NOT THE DOMINANT CAUSE OF CONGESTION

Within the scope of this paper and the limits of this magazine, it is impossible to give a tithe of the *facts* concerning the relation of the fare system to the character of city growth, but I will put down the following in capsule form to show that we must be mighty wary on this subject:

Glasgow: Cheapest zone fare city in the world. Chief growth along

valley of the Clyde. Characteristic dwellings four to five stories high whether in the heart of the city or at the edge of the city. Zone fare street railways supplemented by inner-city cable subway and extensive steam railway network with cheap commutation rates and frequent service. Severe congestion along trunk trolley lines.

New York: Cheapest flat fare city in the world. Growth of old New York (Manhattan and Bronx) north and south between Hudson and East rivers. Characteristic dwellings put up to-day more than twice the height permitted in Glasgow. Houses with more than six families in trans-pontine boroughs of Brooklyn and Queens a rarity until the invasion of 5-cent rapid transit lines from Manhattan with consequent increase of land values. Severe congestion almost everywhere.

London: Extraordinary richness of transportation facilities offered by trams, buses, underground electric railways and steam railroads reaching into the suburbs. Zone fare prevails. Splendid suburban development in all directions, the larger and older dwellings being found chiefly in older parts of the metropolis. Workmen's preference for living near their jobs not due to zone fares as they have always enjoyed exceptionally low rates—the longer working day up to recent times being a far likelier reason. The great workmen's district of West Ham in 1918 had 300,000 people in 48,207 houses and average density of 62 per acre—with practically no room for territorial expansion.

Chicago: Inferior to London as regards transportation facilities although schedule speeds in Chicago are higher. Despite long prevalence of 5-cent unit fare, Mr. Bibbins' own map shows irregularity of residential distribution of population varying from 16 to 140 people per acre (less than 10,000 per

square mile to more than 90,000 per square mile). This compares with 9,510 people per square mile in Greater London, *circa* 1908; and in 1911, according to Lord Ashfield,¹ the population of Greater London (693 square miles and 7,252,000 people) averaged but 10,500 people per square mile or 17 per acre. Even for the ancient county of London, the 1911 figures (4,522,000 population) show an average of 60 people per acre. Possibly both young Chicago and old London are equally congested in certain areas, but Chicago earns the prize for uneven distribution despite the assumed centrifugal qualities of a unit fare. There are neither skyscraper office-buildings nor tenements in London.

Leeds: The great industrial city of the British Midlands. Local tramway service connecting up with half-a-dozen neighboring systems which use also trackless trolleys and gasoline motor-buses; local steam railroad service also given to greater extent than in American cities. Zone fare on trams and commutation distance fares on steam railroads. *One-family* houses the rule.

Philadelphia: Despite handicap of almost no rapid transit development to date, and despite fact that some passengers paid 3 cents for transfer tickets, Philadelphia is notable as an American metropolis of *one and two-family* houses. Exclude the skyscrapers in the business section and it would be indistinguishable from the typical British zone-fare city.

Any Average British City: Four or five-story business buildings. Characteristic homes, small one and two-family brick structures; characteristic fare, zone system with modifications to suit local needs.

Any Average American City: Cloud-

¹"London's Traffic Problem" May, 1920, issue of *The Nineteenth Century and After*.

kissing business buildings and hotels even on the limitless plains of Texas (consider the Dallas sky line!). Great sprawling wooden tenements in New England cities and Middle State cities, exclusive of the small brick buildings characteristic from western New Jersey to Richmond, Virginia. In San Francisco, the same tall frame structures as on the extreme eastern coast. Unit fare is characteristic of all large cities except Milwaukee.

If we do not feel satisfied with these comparisons of American and British cities, there is Germany. The typical German city is made up of tall stone dwellings whether the city grew up under a flat street car fare, as Berlin and Hamburg, or under a zone fare as Cologne. Best of all, there are the cities of Australia which have changed from unit fares to zone fares, and yet are famous for their healthfulness and great spread of population. Take Melbourne, for example, with nearly three-quarters of a million population averaging but 2,064 people per square mile!

TOPOGRAPHY, HABIT, TRANSIT FACILITIES MORE IMPORTANT THAN FARES

The foregoing parallels indicate that the distribution of the business, industrial and residential population is not primarily a question of unit fares or zone fares. Other factors have been at work far longer and more effectually. Thus, in its early days, building in the city of New York when confined to Manhattan Island was not only limited by insularity but by the fact that the plutonic rock formation which comes to the surface on the greater part of the island made building operations costlier than elsewhere. Dearer land and dearer building cost naturally encouraged tall structures. The further enhancement of land values due to the

rapid transit lines has lead to higher and higher structures. Isn't there something ludicrous to be drawn from an item like this in the *New York Tribune* for September 1, 1920:

CITY'S MOST NORTHERLY FLAT WILL BE ERECTED SOON

SIX-STORY APARTMENT FOR 259TH STREET AND POST ROAD TO COST \$250,000.

As the greater part of New York's business district is well below First street, and as there are 20 Manhattan north-south blocks per mile, the business men who will occupy this costly apartment house will get more than 13 miles for the present unit fare of 5 cents. If there were no unit fare, they might be obliged to travel just as far, but it's a safe guess that they would pay a substantially lower rent. Zone-fare river-valley Glasgow is also a tenement house city to its very edge, but the writer's personal investigations there disclosed the fact that the rents are so much lower in certain cases that it pays the tenant to spend more for car-fare and more time on the cars. In both cities, the pressure for the most accessible land has had much to do with the coming of high buildings and consequent congestion.

Habit is surely another factor to be reckoned with. The resident of Aberdeen and Glasgow considers the tenement copied from France a matter of course; the average Englishman is unhappy if he cannot call his home his castle. In our own country, we find the tenement-raised New Yorker usually unwilling to take up the cares always handled by a janitor so far as he knows; while to a Philadelphian, there is nothing more natural than those little brick pill-boxes. In the metropolitan district of New York as a whole we find that it is the unit fare man who lives in a tenement and the zone fare (steam railroad suburban) man who enjoys God's sunshine!

That accessibility as determined by transit facilities is also more important than the rate or kind of fare may be observed in almost any metropolitan area. In the city proper, it is not uncommon to find that the more influential tho less settled sections get more service than poorer, more crowded sections; and in suburban development, the commuter obviously will choose the electrified line where he paid no attention to a steam line. From the writer's own suburb, the 50-ticket book fare to New York on the electrified steam line costs more than two and one-half times the street and subway fares combined, but many people choose to pay the higher distance fare even when the net saving in time is but 15 minutes. Indeed, trolley-subway traffic from Mount Vernon to New York would be still further reduced if the electrified suburban line were to run short trains at short intervals throughout the day instead of concentrating on the rush-hours.

The long and short of this whole question is that the unit fare system of the electric railways of America has been of benefit primarily to the land and house owner whose property has been enhanced by the extension of the unit fare to his property. If we are to judge by what actually happens under distance-fare conditions, we will find that the people spread into the suburbs just as quickly as trackage is built out for their accommodation. In other words, the more even distribution of urban population depends far more upon the service than upon the fares.

Of course, it must not be assumed that an absolute distance or cumulative fare is necessarily the fare to use. On the contrary, the most practical zone fares are those that give an ever longer distance with each increment to the base fare, and whose divisions are not

hard and fast but adjusted to meet natural traffic conditions.

THE ZONE FARE AS A DEVICE FOR CREATING SUB-CENTERS

It would appear from Mr. Bibbins' paper that if we are to escape congestion the creation of sub-centers of industrial, social and community life is a necessity. But he does not recognize, apparently, that the unit fare is a prime obstacle to the creation of such subsidiary communities. So long as My Lady can reach the big store downtown for the same fare as the small store one mile away, the former will flourish and the latter will languish. Place the long ride at 10 cents and the short one at 5 cents, and it will not be long before a real local center will have been established.

During the many years of the simple 5-cent fare this discrimination in favor of the downtown business, industrial or pleasure center went unnoticed; but ask any downtown man to-day whether the enlightenment caused by the advent of 6, 7, 8 and 10-cent unit fares has hurt his business or not!

Now the problem baldly stated is this: are we more interested in maintaining or increasing the prosperity of the central, congested area; or in considering the needs of the community as a whole? If the latter, we must necessarily seek, under private ownership of railways for gain, that system of fares which will produce the maximum distribution of population and the maximum diversity in the use of transit facilities.

If we turn to the zone-fare British city we will find far greater life in the sub-centers than in American cities of corresponding size. However, I do not wish to draw conclusions from appearances only. We must not forget that British cities are much older than

ours, so that many of the outlying communities eventually absorbed are not suburbs in the American sense but towns and villages with a history and individuality dating back to the crusades. Nevertheless, personal observation of the riding in these metropolitan areas and analysis of their rides according to rates of fare do indicate that the zone fare promotes the growth of neighborhood centers. In so doing, it promotes the decentralization which we are after. The first tendency toward building up a community center comes from the optional rider, the person on shopping or pleasure bent; but as Mr. Bibbins himself points out there comes a time when large manufacturers find that they must move to the fringe if they want to expand. Naturally their employes follow as fast as they can because they are at least as interested in cutting the riding time to and from their jobs as in the rate of fare. The most flagrant crowding in the world, as on the east side of New York, is in areas where the people pay no car fare of any kind!

Nor is the rush-hour problem at all peculiar to America. The reason that the peak load of British industrial cities is less accentuated than ours appears to be due to the much greater proportion of off-peak, short-haul

travel fostered by the zone fare. The short work-day is now as firmly established in Great Britain as in the United States, and the question of staggering the hours to afford some relief is one of the live topics of British transportation discussion.

My conclusion as to congestion is that we don't really know the relative power of various factors because we have had no absolutely free play of the forces that enter into the distribution of urban industries and population. Such free play would be possible only if landlords were unable to capitalize for their own benefit improvements in transportation service and fares; and if the transportation system itself was conducted for use instead of profit.

A REALIST POINT OF VIEW AS TO FARES

But inasmuch as we are dealing with a condition in which both housing and transportation are conducted primarily for the profit of their undertakers, we must seek a solution that will come nearest to giving us a city of better life and a railway of better returns. Granted that the railway cannot even maintain its present standards of service—let alone grow—unless it earns enough to pay something more than bank interest, how are we to handle the matter of

GENERAL SUMMARY OF ANALYSIS OF EFFECT OF FARE INCREASES UPON TRAFFIC AND REVENUES OF PRINCIPAL STREET RAILWAY SYSTEMS OF THE UNITED STATES

Class	Number of cities or systems in class	Number of revenue passengers carried 1st 9 months of 1917	Per cent of total electric railway traffic of country	Average fare per revenue passenger 1st 9 months of 1917, cents	Number of revenue passengers carried 1st 9 months of 1919	Average fare per revenue passenger 1st 9 months of 1919, cents	Per cent increase in average fare paid 1st 9 months of 1919 over 1st 9 months of 1917	Per cent increase in number of revenue passengers carried 1st 9 months of 1919 over 1st 9 months of 1917 (D—indicates decrease)	Per cent increase in passenger revenue 1st 9 months of 1919 over 1st 9 months of 1917
A	13	2,465,440,094	29.16	4.93	2,837,238,677	4.95	0.41	15.08	15.65
B	11	908,511,165	10.74	4.98	1,005,987,031	5.31	6.63	10.73	18.11
C	29	1,583,795,790	18.73	5.28	1,689,085,597	6.22	17.80	6.65	25.63
D	15	1,521,714,987	18.00	4.62	1,406,987,088	6.55	41.77	7.64(D)	30.97
All	68	6,479,462,026	76.63	4.95	6,939,298,393	5.64	13.97	7.10	21.96

fares? Are we satisfied to give the railway *carte blanche* in raising fares and lowering service to get more revenue from fewer riders, or are we going to encourage it to try methods which will involve raising the fares of some, lowering the fares of others and shutting out all competition if the railway agrees to supplement track transportation by the rubber-tired trackless trolley or gasoline bus.

Surely the former method has not proved so successful to date from the civic welfare standpoint that we can tolerate it with equanimity. Boston, for example, should have had at least 400,000,000 rides in 1919 according to normal rates of increase under the 5-cent fare. Under higher fares, including the present 10-cent fare, the actual number of rides was but 325,000,000. Those 75,000,000 rides lost represent a decided slowing down in the life of the community. The table prepared by Dr. Delos F. Wilcox for the Federal Electric Railway Commission also shows that increased revenue for the railway can be obtained at too high a cost to the activity index of the community.¹

It is true that the traffic comes back—at least in part—after a time. More strictly speaking, it might come back if the new rates of fare remained reasonably permanent. But when another cent or half-cent is tacked on every few months, the patient has another relapse threatening early dissolution. With all the care given to working out service-at-cost franchises and the consequent minimizing of litigation and ill-feeling, the results of these franchises to date are not encouraging to those who wish to see the electric railway useful as well as profitable.

¹ This table was published in the October, 1920, issue of the NATIONAL MUNICIPAL REVIEW at page 684 and is repeated.

I am not going to pretend for a moment that the zone fare in any form whatever is a sure cure for rising costs. But this much is certain: the zone fare would not drive off the short-haul rider, while it would create a new class of short-haul neighborhood shopping or pleasure riders. A great many tears have been shed in advance over the sad plight of the 10-mile rider who will have to pay 10 cents instead of 5; but nobody seems to shed any tears over the one-mile rider who has been paying a good return at 5 cents until he decides that he will not be the goat. There are bound to be some hardships for those who have been getting far more than their money's worth, but let us not forget that under a zone fare all neighborhood riding would be at the old fares or less; and from what we have seen of the decentralizing tendencies of the zone fare, industries would tend to move out into suburban communities with cheaper land rather than stay in the old place and absorb the higher car-fares as they inevitably must do.

The electric railway's problem will be much nearer a popular solution if it thus secures more revenue from more riders than if it proceeds desperately to get all it needs out of those who must ride. That policy is all the more dangerous in these days of automotive vehicles when motor trucks can be turned into passenger carriers instantly and jitney buses by the hundred can be brought in over-night. To be sure, no city can depend upon nondescript, irresponsible vehicles for its daily transportation, but the temptation to fly to them in traction squabbles is so great that no electric railway can afford to ignore the paradoxical fact that if it wishes to remain a monopoly it must become a business! In becoming that business, the electric railway will have to do a lot of trouble-taking things. It

will not, for example, say that the zone fare is impracticable, because the pioneers here happened to be inexperienced, incapable or unfortunate, in face of the incontrovertible fact that the zone fare is not only a practicable thing in Great Britain and the continent but that it has actually displaced the unit fare in the wide-awake cities of Australia.

If private operation of this public utility is to continue, therefore, the spirit of scientific research, of merchandising service and of the relation of transportation to community welfare must be studied by the managements of to-day as it never was by their predecessors of the carefree period of electric railway development.

PROPOSALS FOR MODEL STATE CONSTITUTION

PROGRESS REPORT OF COMMITTEE ON STATE GOVERNMENT

To be presented for discussion and further advisory voting at the annual meeting of the National Municipal League in Indianapolis, November 17-19. :: :: :: :: :: :: ::

THE LEGISLATURE

SECTION 1. There shall be a Legislature of members who shall be chosen for a term of four years by the system of proportional representation with the single transferable vote. For the purpose of electing members of the Legislature the state shall be divided into districts composed of contiguous and compact territory from which members shall be chosen in proportion to the population thereof, but no district shall be assigned less than five members.

SECTION 2. Until otherwise provided by law, members of the Legislature shall be elected from the following districts: The first district shall consist of the counties of _____ and _____ and shall be entitled to _____ members. (The description of all the districts from which the first Legislature will be elected should be inserted in similar language.) At its first session following each decennial Federal census the Legislature shall redistrict the state and reapportion the members in accordance with the provisions of Section 1 of this constitution.

SECTION 3. The election of members of the Legislature shall be held on the Tuesday next following the first Monday of November in the year one thousand nine hundred and twenty-two and every fourth year thereafter.

SECTION 4. Any elector of the state shall be eligible to the Legislature.

SECTION 5. The term of members of the

Legislature shall begin on the first day of December next following their election. Whenever a vacancy shall occur in the Legislature the Governor shall issue a writ of appointment for the unexpired term. Such vacancy shall thereupon be filled by a majority vote of the remaining members of the district in which the vacancy occurs. If after thirty days following the issuance of the writ of appointment the vacancy remains unfilled, the governor shall appoint some eligible person for the unexpired term.

SECTION 6. A regular session of the Legislature shall be held annually beginning on the first Monday in February. Special sessions may be called by the Governor or by a majority vote of the members of the Legislative Council.

SECTION 7. The Legislature shall be judge of the election, returns and qualifications of its members, but may by law vest the trial and determination of contested elections of members in the courts. It shall choose its presiding officer and determine its rules of procedure, may compel the attendance of absent members, punish its members for disorderly conduct and, with the concurrence of two-thirds of all the members, expel a member; but no member shall be expelled a second time for the same offence. The Legislature shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the Legislature as a whole or before any committee thereof.

SECTION 8. A majority of all the members of the Legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the attendance of absent members. The Legislature shall keep a journal of its proceedings which shall be published from day to day. A vote by yeas and nays on any question shall, at the desire of one-fifth of those present, be taken and entered on the journal.

SECTION 9. A secretary of the Legislature shall be appointed in the manner hereinafter provided. The secretary shall appoint and supervise all employees of the Legislature and shall have charge of all service incidental to the work of legislation. While the Legislature is in session the secretary shall be under the control of that body.

SECTION 10. No law shall be passed except by bill. All bills shall be confined to one subject which subject shall be clearly expressed in the title. Bills for appropriations shall be confined to appropriations.

SECTION 11. No bill shall become a law until it has been read on three different days, has been printed and upon the desks of the members in final form at least three legislative days prior to final passage, and has received the assent of a majority of all the members. Upon final passage the vote shall be by yeas and nays entered on the journal, provided, that the employment of mechanical devices to record the votes of members shall not be contrary to this provision.

SECTION 12. Every bill which shall have passed the Legislature shall be presented to the Governor; if he approve he shall sign it, but if not he shall return it with his objections to the Legislature. Any bill so returned by the Governor shall be reconsidered by the Legislature and if, upon reconsideration, two-thirds of all the members shall agree to pass the bill it shall become a law. In all such cases the vote of the Legislature shall be by yeas and nays and entered on the journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him it shall be a law in like manner as if he had signed it, but if the Legislature shall by adjournment prevent the return of a bill within ten days any such bill shall become a law unless filed by the Governor together with his objections in the office of the secretary of the Legislature within thirty days after the adjournment of the Legislature. Any

bill so filed shall be reconsidered by the next session of the Legislature as though returned while the Legislature was in session.

SECTION 13. Any bill failing of passage by the Legislature may be submitted to referendum by order of the Governor if at least one-third of all the members shall have been recorded as voting in favor of the bill when it was upon final passage. Any bill which, having passed the Legislature, is returned thereto by the Governor with objections and, upon reconsideration is not approved by a two-thirds vote of all the members but is approved by at least a majority thereof, may be submitted to referendum by a majority vote of all the members of the Legislature. Bills submitted to referendum by order of the Governor or Legislature shall be voted on at the next succeeding general election unless the Legislature shall provide for their submission at an earlier date.

THE LEGISLATIVE COUNCIL

SECTION 14. There shall be a Legislative Council consisting of the Governor and seven members chosen by and from the Legislature. Members of the Legislative Council shall be chosen by the Legislature at its first session after the adoption of this constitution and at each subsequent session following a general election. Members of the Legislative Council chosen by the Legislature shall be elected by the system of proportional representation with the single transferable vote, and when elected shall continue in office until their successors are chosen and have qualified. The Legislature, by a majority vote of all its members, may dissolve the Legislative Council at any time and proceed to the election of a successor thereto.

SECTION 15. The Legislative Council shall meet as often as may be necessary to perform its duties. It shall choose one of its members as chairman and shall adopt its own rules of procedure, except as such rules may be established by law. The Legislative Council shall appoint the secretary of the Legislature who shall be ex officio secretary of the Council.

SECTION 16. It shall be the duty of the Legislative Council to collect information concerning the government and general welfare of the state and to report thereon to the Legislature. Measures for proposed legislation may be submitted to it at any time and shall be considered and reported to the Legislature with its recom-

mendations thereon. The Legislative Council may also prepare such legislation and make such recommendations thereon to the Legislature in the form of bills or otherwise as in its opinion the welfare of the state may require. Other powers and duties may be assigned to the Legislative Council by law. The delegation of authority to supplement existing legislation by means of ordinances shall not be deemed a delegation of legislative power.

SECTION 17. Members of the Legislative Council shall receive such compensation, additional to their compensation as members of the Legislature, as may be provided by law.

THE EXECUTIVE

SECTION 18. The executive power of the state shall be vested in a Governor who shall hold his office for a term of four years from the first Monday in December next following his election. Any elector of the state shall be eligible to the office of Governor.

SECTION 19. In case of death, impeachment or other disability of the Governor, the powers and duties of the office shall devolve upon the presiding officer of the Legislature for the remainder of the term or until the disability be removed.

SECTION 20. There shall be such executive departments as may be established by law. The heads of all executive departments shall be appointed, and may be removed, by the Governor. All other officers and employes in the executive service of the state shall be appointed by the Governor or by the heads of executive departments as may be provided by law.

SECTION 21. The Governor and heads of executive departments shall be entitled to seats in the Legislature, may introduce bills therein and take part in the discussion of measures, but shall have no vote.

THE BUDGET

SECTION 22. Not later than days after the organization of the Legislature at each regular session the Governor shall submit to the Legislature a budget setting forth a complete plan of proposed expenditures and anticipated revenues of all departments, offices and agencies of the state for the next ensuing fiscal year. For the preparation of the budget the various departments, offices and agencies shall furnish

the Governor such information in such form as he may require. At the time of submitting the budget to the Legislature the Governor shall introduce therein a general appropriation bill containing all the proposed expenditures set forth in the budget. At the same time he shall introduce in the Legislature a bill or bills covering all recommendations in the budget for additional revenues or borrowings by which the proposed expenditures are to be met.

No appropriation shall be passed until the general appropriation bill as introduced by the Governor and amended by the Legislature shall have been enacted, unless the Governor shall recommend the passage of an emergency appropriation or appropriations which shall continue in force only until the general appropriation bill shall become effective. The Legislature shall provide for one or more public hearings on the budget either before a committee or before the entire assembly in committee of the whole. When requested by not less than one-fifth of the members of the Legislature it shall be the duty of the Governor to appear before the Legislature or to appear in person or by a designated representative before a committee thereof to answer any inquiries with respect to the budget.

The Legislature by appropriate legislation shall make this section effective.

SECTION 23. The Legislature shall make no appropriation for any fiscal period in excess of the revenue provided for that period. The Governor may disapprove or reduce items in appropriation bills and the procedure in such cases shall be the same as in case of the disapproval of an entire bill by the Governor.

SECTION 24. No money shall be drawn from the treasury except in accordance with appropriations made by law, nor shall any obligation for the payment of money be incurred except as authorized by law. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates.

Below is given the text of those sections which were adopted without objection at our moot constitutional convention at Cleveland last December:

MUNICIPAL CORPORATIONS

SECTION 1. *Incorporation and Organization.* Provision shall be made by a general law for the

incorporation of cities and villages; and by a general law for the organization and government of cities and villages which do not adopt laws or charters in accordance with the provisions of sections 2 and 3 of this article.

SECTION 2. *Optional Laws.* Laws may be enacted affecting the organization and government of cities and villages, which shall become effective in any city or village only when submitted to the electors thereof and approved by a majority of those voting thereon.

SECTION 3. *City Charters.* Any city may frame and adopt a charter for its own government in the following manner: The legislative authority of the city may by a two-thirds vote of its members, and, upon the petition of ten per cent of the qualified electors, shall forthwith provide by ordinance for the submission to the electors of the question: "Shall a commission be chosen to frame a charter?" The ordinance shall require that the question be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage, otherwise, at a special election to be called and held within the time aforesaid; the ballot containing such question shall also contain the names of candidates for members of the proposed commission, but without party designation.

Such candidates shall be nominated by petition, which shall be signed by not less than two per cent of the qualified electors, and be filed with the election authorities at least thirty days before such election; provided, that in no case shall the signatures of more than one thousand (1000) qualified electors be required for the nomination of any candidate. If a majority of the electors voting on the question of choosing a commission shall vote in the affirmative, then the fifteen candidates receiving the highest number of votes (or if the legislative authority of the state provides by general law for the election of such commissioners by means of a preferential ballot or proportional representation, or both, then the fifteen chosen in the manner required by such general law) shall constitute the charter commission, and shall proceed to frame a charter.

Any charter so framed shall be submitted to the qualified electors of the city at an election to be held at a time to be determined by the charter commission, which shall be at least thirty days subsequent to its completion and distribution among the electors and not more than

one year from the date of the election of the charter commission. Alternative provisions may also be submitted to be voted upon separately. The commission shall make provision for the distribution of copies of the proposed charter and of any alternative provisions to the qualified electors of the city not less than thirty days before the election at which it is voted upon. Such proposed charter and such alternative provisions as are approved by a majority of the electors voting thereon shall become the organic law of such city at such time as may be fixed therein, and shall supersede any existing charter and all laws affecting the organization and government of such city which are in conflict therewith. Within thirty days after its approval the election authorities shall certify a copy of such charter to the secretary of state, who shall file the same as a public record in his office, and the same shall be published as an appendix to the session laws enacted by the legislature.

SECTION 4. *Amendments.* Amendments to any such charter may be framed and submitted by a charter commission in the same manner as provided in section 3 for framing and adopting a charter. Amendments may also be proposed by two-thirds of the legislative authority of the city, or by petition of ten per cent of the electors; and any such amendment after due public hearing before such legislative authority, shall be submitted at a regular or special election as provided for the submission of the question of choosing a charter commission. Copies of all proposed amendments shall be sent to the qualified electors. Any such amendment approved by a majority of the electors voting thereon shall become a part of the charter of the city at the time fixed in the amendment, and shall be certified to and filed and published by the secretary of state as in the case of a charter.

SECTION 5. *Powers.* Each city shall have and is hereby granted the authority to exercise all powers relating to municipal affairs; and no enumeration of powers in this constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit or restrict the power of the legislature in matters relating to state affairs, to enact general laws applicable alike to all cities of the state.

The following shall be deemed to be a part of the powers conferred upon cities by this section:

(a) To levy, assess and collect taxes and to borrow money, within the limits prescribed by

general laws; and to levy and collect special assessments for benefits conferred;

(b) To furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof;

(c) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement;

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(e) To organize and administer public schools and libraries, subject to the general laws establishing a standard of education for the state;

(f) To adopt and enforce within their limits local police, sanitary and other similar regulations not in conflict with general laws.

SECTION 6. Reports. General laws may be passed requiring reports from cities as to their transactions and financial condition, and providing for the examination by state officials of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

SECTION 7. Elections. All elections and submissions of questions provided for in this article or in any charter or law adopted in ac-

cordance herewith shall be conducted by the election authorities provided by general law.

COUNTIES

SECTION 1. No new county shall be created and no existing county shall be subdivided unless the question is submitted to the duly enrolled or registered voters of the district or districts affected at a regular or at a specially called election and is approved by a majority of such voters, voting thereon, in the district or districts affected.

SECTION 2. The general powers and duties of county government shall be defined by general law, applicable to all counties and optional plans for the organization of county government may be provided by law, to be effective in any county when submitted to the legal voters thereof and approved by a majority of those voting thereon.

SECTION 3. Any county shall have the power to frame, adopt and amend a charter for its government and to amend any existing law relating to its local organization, such charters and amendments to take effect when submitted to the legal voters of the county and approved by a majority of those voting thereon. The manner of exercising the powers herein granted may be regulated by general law.

SECTION 4. Any county with a population of over _____ may be authorized by law to provide in its charter for a consolidated system of municipal government, providing for the powers and duties of county, city and other municipal authorities within the county and abolishing all officers whose powers and duties are otherwise provided for.

TAXATION

SECTION 1. The power of taxation shall never be surrendered, suspended, or contracted away.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

OFFICERS, BOARDS, AND COMMISSIONS OF TEXAS.

By Frank Mann Stewart, Government Research Series, No. 18. University of Texas, 1920. Pp. 66 and chart.

This bulletin is a revision of a pamphlet by the same title issued in 1916. It groups the various governmental agencies under seven classes, namely, constitutional officers, statutory officers that are heads of departments and other statutory officers, executive and supervisory boards and commissions, boards of control for state institutions, examining boards and commissions, ex officio and advisory boards and commissions, and miscellaneous boards and agencies. The information concerning each agency is set up under the following heads: date of creation, composition, appointment, qualification, term, compensation, duties, number of officers and employes, and appropriation. Practically all the information contained in the bulletin may be found in the state constitution and statutes. No attempt has been made to set forth actual administrative methods and practices. The writer has purposely overlooked the important fact that government may be one thing in law and quite another in practice.

The chart which accompanies the bulletin exhibits a picture of the administrative organization, showing it to be composed of seventy-nine separate and distinct agencies. Nine of these are elective; the others are appointed by the governor (usually with the consent of the senate), or by the supreme court, or by other administrative officers, commissions and agencies. On the whole the administration appears as a tangle in which definite lines of responsibility cannot be fixed. This condition, however, is not discussed, although this would seem to be the *raison d'être* for the bulletin. Mr. Stewart does not so much as attempt to direct attention to the archaic organization of the Texas state government. For this reason his pamphlet has little value for the general reader who is interested mainly in administrative reorganization. It is to be hoped that he will follow this bulletin with another in which he will set up a general scheme of administrative reorganization for the state of Texas.

A. E. B.

ALBANY: THE CRISIS IN GOVERNMENT. The History of the Suspension, Trial and Expulsion from the New York State Legislature in 1920 of the Five Socialist Assemblymen by Their Political Opponents. By Louis Waldman. New York, Boni and Liveright, 1920. Pp. 233.

This story is told by the expelled assemblyman from the eighth assembly district of Manhattan, who was elected for his second term November 4, 1919. It is the history of a legislative body excluding members because of political principle and is divided into four parts as follows: The suspension; The country's reaction to the suspension; The trial; The expulsion. The suspension occurred on January 7, 1920 and the trial began January 20 and ended March 11. The expulsion took place March 31, 1920.

The first part tells of the dramatic events from the opening day of the legislature, when the five assemblymen were sworn in, to the moment when each of the five accused men was escorted from the chamber by the sergeant-at-arms.

The second part quotes from conservative and radical newspapers over the country, the letter from Charles E. Hughes to Speaker Sweet, the resolution from the association of the bar of the city of New York, and the resolutions of the Socialist assemblymen requesting information from the Lusk Committee.

The third part attempts to report impartially the trial which commenced thirteen days after the expulsion. The author quotes largely from both the prosecution and defense in order to give the reader an adequate view of the case. The proceedings of the trial alone consist of nearly 2,000,000 words so only the most relevant parts are quoted and the speeches of the counsel are much condensed.

The verdict of expulsion of the five socialist members, which was handed in on March 30, constitutes part four. In a statement given out to the press after the verdict, the expelled assemblymen include the following: "It (the Socialist party) will not be swerved from its historic course and mission. With greater faith and vigor than ever it will go on agitating, educating, and organizing the workers for peaceful social change."

L. H.

OCCASIONAL PAPERS AND ADDRESSES OF AN AMERICAN LAWYER. By Henry W. Taft. New York, The Macmillan Co., 1920. Pp. 331.

The title aptly describes the contents of the book which are comprised for the most part of addresses given on formal occasions and reprints of articles from magazines and newspapers. The author discusses such subjects as the responsibility of the American lawyer, bolshevism, the league of nations, the railroads, recall of judicial decisions and state control of navigable waters.

The fact that most of the articles were written to be read before audiences may explain why there is little in them that is new or fresh. Mr. Taft feels heavily the responsibility of the lawyers, which he believes is primarily to inculcate respect for the law because it is law, and deprecates the modern tendency of members of the bar to become involved financially in the affairs of corporations for which they act. He feels that the lure of the flesh pots must be resisted if lawyers are to retain their ancient reputation for simple living and high thinking.

Mr. Taft is a thorough friend of the league of nations, even of Article X, "which prescribes for all the nations of the world a defensive policy similar to the Monroe Doctrine," but suggests, to avoid controversy, an amendment making a provision such as is contained in Article XIX respecting the tutelage of weak nations, to the effect that the primary responsibility for measures to prevent "external aggression" should rest with the nations who, by reason of location or vital interests, are most directly concerned. It would then be rendered extremely improbable that the United States would ever be drawn into war outside the western hemisphere over Article X.

One concession regarding sovereignty is made in favor of a league of nations which many lawyers have been unable to grant. Mr. Taft believes that the treaty calls for a surrender of our sovereignty similar only to that involved in making a mutually binding treaty. Many will object, however, that the traditional concept of sovereignty, which was in no way impaired by treaties, cannot be modified to give us a league of nations. Sovereignty is a lawyer's concept useful to him in fixing the final source of law and in describing the relation of government to its citizens. The use of the term in discussions of international government can only result in con-

fusion. The old term does not fit this new situation and should be discarded.

H. W. D.



REAL DEMOCRACY IN OPERATION: THE EXAMPLE OF SWITZERLAND. By Felix Bonjour. New York, F. A. Stokes Company, 1920. Pp. 226

This account of the government of Switzerland is written by an active participant who attained the prominence of president of the National Council, or house of representatives. The title might lead one to expect an essay on things in general, but, in reality, the chapters cover the fundamental topics in the constitution with emphasis on the powers of control actually exercised by the people. It is, in fact, a popular study of institutions, in which footnotes and the outward appearances of learning are avoided, but at the same time the opinions of learned lawyers and publicists are liberally quoted in the text.

The chapter on federalism in Switzerland can be read with profit outside of that country. The modern tendencies toward centralization have been very strong, and in such cases as the monopoly of alcohol and the nationalization of railways the general government has gone much further than in the United States. Yet it is perfectly clear that the preservation of the particular cultures of the French and Italian cantons and the rights of minorities everywhere are bound up in state rights. The term for this in Switzerland is "Federalism," employed in a sense quite opposite to American usage. In elementary and secondary education, direct taxation, poor relief, local organization and the greater part of public works, the sovereignty of the cantons is complete. Even certain central functions must operate through cantonal officials and the extension of these powers finds a jealous control in the popular referendum.

The subject of direct legislation by the people naturally occupies the greater part of the volume. The town meeting plan is discussed in a chapter on the *Landesgemeinde*. This ancient institution still holds in five cantons or half-cantons. Its possibilities are seen in the small size of these democracies. In four of them the number of electors ranges between 2,800 and 8,400, while the fifth and largest does not exceed 14,000. The attendance at the annual or semi-annual *Landesgemeinde* is large but never reaches those

figures. The characteristic action of these meetings is to re-elect officials for long terms and to vote upon new projects with conservatism.

The referendum and initiative are treated in their various phases. If one were framing a bill to introduce these methods the technical information would better be sought elsewhere, but this account is well suited to explain how this popular lawmaking is conducted, and the consequences of its operation. The author's view is that the system, while not perfect, is an admirable expression of democracy. Mistakes have been made, but these in the course of a few years have been corrected by another vote. The amount of legislation actually voted upon is but a small percentage of the good law allowed to stand by tacit consent. Contrary to an opinion sometimes held the initiative and referendum do not render legislators irresponsible, but rather more careful as to the contents of their bills. No more mistakes have been made by popular votes than by representatives when left alone.

The author is opposed to proportional representation, but on theoretical grounds, rather than from any ills experienced in Switzerland. At one time the introduction of this device brought quiet into a very threatening political situation in the canton of Ticino, and its adoption elsewhere without need of a crisis is on the increase.

In view of the democracy in legislation, in the army and in administration in general the author as a citizen has all confidence in the progress and permanence of his country. Real democracy just recently stamped out the beginnings of imported revolutionary communism, and the war has brought out more distinctly than ever the unity of all sections in maintaining the integrity of their nation and in the pursuance of its ancient policy of neutrality.

The publishers do not state whether the book is a translation or not, but either the author or the translator has put the subject into vigorous idiomatic English much to be commended.

J. M. VINCENT.



THE UNFINISHED PROGRAM OF DEMOCRACY.

By Richard Roberts. New York, B. W. Huebsch, Inc., 1920. Pp. 326.

The author begins with the searching question whether any economic change has elements of permanence if it be only economic, and answers it decidedly in the negative. The chief hindrance

to the progress of democracy, he thinks, lies in our theories concerning it. We have so pinned our faith to the doctrine of biological evolution that we falsely assume that society is slowly but surely evolving toward perfection, while, as a matter of fact, human affairs are not governed by a law of predestined progress. They are affairs involving personality, and personality being dirigible, it behooves us to determine in what direction and to what end we desire society to develop. The society toward which we should aim should have four marks: first, in it every man should have the opportunity of a secure and sufficient physical subsistence; second, every man should have the chance to express his instinct for creation; third, the human impulse to sociability should have room to grow into vital and purposeful fellowship; and fourth, independent judgment and reflection should be stimulated and encouraged. "For these essential human impulses, freedom is the very breath of life. The initial problem of sociology is, therefore, the attainment of freedom."

But our attainment of freedom is at present made impossible by the current philosophy of profit-making to which our generation is habituated. "We go into business not to feed and clothe each other, but to make money. . . . Commerce, which owes its origin to social need, has almost wholly lost the social motive. If we are not making money ourselves, we hire ourselves out as money-making tools of others; and while some of us aim at larger profits, the rest of us hope for larger wages." The author points out how even Christian missions have been commended on the ground that they do pioneer work for the trader, and that the current repute of an artist is fixed by the prices his pictures command. And further, that those who most vehemently denounce the existing profit-making organization of society are still obsessed by the notion that social transformation is chiefly an affair of economic revolution. "Whenever we consent to the statement that the one thing needful to society is a more equitable distribution of the wealth which its industry produces, we are still within the same hopeless universe of discourse." More than any social or economic revolution we need a revolution in our thinking.

As with commerce, so with work, a new doctrine as a new practise is needed. Work must on the one hand be regarded as the participation in a social task, and on the other it should be made a means of worthy self-expression. It is obvious

that in many branches of machine industry no chance whatever is given to the creative instinct, but the solution is not a return to handcraft, but a further development and organization of machine industry so that no member of society should be exempt from some part in mechanical production, and no member have to devote himself to such work for more than a very limited number of hours each day, and that the rest of his time be given to some self-expressing activity; and, moreover, that by education every citizen be fitted to engage in such an avocation. Further, the democratic control of industry is essential to that transformation of the status of the worker which is a needful accompaniment to any new doctrine of work. The progressive elements in the British labor movement show the most hopeful signs of intelligent leadership in this direction, and the author discusses their proposals at some length.

As with commerce and work, so with freedom of opinion, the organization of voluntary associations, the theory of the state, international relations, education; on all these democracy, if it is to live, must make some fundamental changes in its mode of thinking.

We profess our belief in the need of freedom of the mind, but the war-time attitude toward dissent from the majority (manifested in conscientious objection) in England and even more in America has shown us in how precarious a state our freedom in this essential is. Yet "a society incapable of dissent or of tolerating it has entered upon its last phase."

In the matter of the State the danger to democracy is that the now discarded dynastic tradition with its shibboleths of national prestige and the honor of the flag will be rehabilitated in the form of commercial imperialism, and

patriotic sentiment be exploited in the interests of capital invested in foreign countries. It is this, together with trade-restricting tariffs and military preparedness, which will be a fruitful cause of international friction; hence the necessity for the organization of the world on the basis of reciprocity and co-operation.

Throughout the whole discussion, which touches not only on these but on many kindred topics such as the enfranchisement of women, the race problem, the treatment of criminals, our relations with Japan, the place of religion in society, Mr. Roberts realizes that the great essential in the preservation of democracy is education, and here again we need a conversion from our present doctrines and methods. In our schools to-day, "an attention is devoted to problems of discipline and order which is disproportionate to the real business of preparing for life in a democratic commonwealth."

"To-day the whole method of recruiting teachers and the conditions of the teaching profession tend to degrade teaching into a trade. If only teaching were rightly esteemed and its practitioners held in such honor as even judges, who do a much inferior work, are held," we might succeed in getting the kind of teachers needed. The teaching profession should have "the first call upon the human material in the community."

"The sum of the matter then is this, that the test of a true democratic education lies in the quality and power of the social vision it evokes in the growing child, in the measure of the power and capacity it gives to the child to share in the realization of the vision, and in this sharing to give to the child the inspiring and joyous promise of personal self-fulfilment."

J. A. MULLER.

II. REVIEWS OF REPORTS

Report of the Federal Electric Railways Commission to the President, August, 1920. Pp. 30.

—If the report of the Federal Electric Railways Commission is somewhat disappointing to those who lean strongly to the people's side in public utility questions, the report must be still more disappointing to the electric railway interests. The appointment of the commission was sought by the electric railways in the hope that the national government could be induced to lend its aid in obtaining higher fares all over the country, through the abrogation of local fran-

chises where rates of fare were fixed and the predominance of state regulation over local control. The electric railways, as a whole, also advocated the adoption of the service-at-cost plan as the most satisfactory of all the possible remedies for street car ills, with fares to be automatically adjusted so as to afford a liberal rate of returns on a very liberal valuation of every property.

The railways were rewarded with a strong endorsement of the service-at-cost plan, while municipal ownership was unanimously rejected

as a remedy too experimental and uncertain to be likely to succeed in the United States at the present time. But in the advocacy of the service-at-cost idea, the wishes of the electric railways were decidedly departed from in several important particulars. The commission leaned especially towards the public viewpoint in its conclusion on the subjects of valuation and capitalization, not only favoring original cost as the chief basis for determining the fair value of a property, but also recommending that companies should reduce their capital to values decidedly low if the commission's advice were followed. Indeed, the literal carrying out of the commission's recommendations might result in such a reduction of securities and such a moderate rate of return that many companies might actually prefer municipal ownership, if it meant selling out to the cities at such a liberal figure as was paid in Seattle and proposed in Detroit.

It is curious to find municipal ownership in this country termed an experiment in the report in view of the long record of successful operation of waterworks, sewerage systems, gas and electric utilities; of the enormous investment of New York, Boston and Philadelphia in municipal rapid transit lines and the decidedly successful electric railway operation in San Francisco and Seattle. The superiority of the municipal trainways of Great Britain over the privately owned

lines, as to economy, efficiency, service and progressiveness is too well established to be questioned any longer. As Dr. Wilcox has forcibly pointed out, it is service-at-cost which is the real experiment, with only ten years of trial at the longest in Cleveland and a record of ten and fifteen cent fares in Massachusetts which seems to give considerable merit to the nickname of service-at-excessive cost applied by one well known public service commission.

It was too much to expect the commission to bring out the fact that higher fares have not proved the solution of electric railway problems and that the five cent fare is paying better returns today than ever before in places like Terre Haute, Indiana, which have universally adopted one-man cars. It was also too much to expect them to recommend municipal ownership as the only outcome which can assure the public adequate facilities and service and well planned extensions which will make our cities spread out indefinitely in healthful fashion at the lowest possible fare. The report has so much good in it and might have been so much worse that even the severest critic must feel that some progress has been made towards removing the most vital factor in municipal growth from the field of speculation and manipulation.

JOHN P. FOX.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Detroit Charter Amendments.—At a special primary election of August 31, the Detroit charter, adopted in 1918, was amended in three particulars. The votes were as follows:

Board of supervisors	Yes—43,638
	No—19,468
Recreation commission	Yes—41,741
	No—19,936
Board of rules, building code	Yes—46,675
	No—15,468

The first amendment was proposed because the law permits twelve supervisors for the first 100,000 population in cities; one supervisor for each 10,000 population additional up to 500,000; and one supervisor for each 40,000 population over 500,000. The present charter provided 37 supervisors, and the 1920 official census gave a population entitled to 65. Charter amendments require a two-thirds majority, and this amendment provided that the council should name the additional supervisors.

When the new charter was prepared, it seemed inexpedient to make radical changes in the city's departmental organization, although common practice indicated a tendency to abolish boards in favor of one man commissioners. Experience with a non-salaried, four-member commission suggested the advisability of this charter amendment, the first in this direction.

The charter provided that the building code might not be amended within one year after enactment, and thereafter within periods of two years each, with certain exceptions. These restrictions were principally intended to prevent the council allowing frequent exceptions to the code. However, to make a new code workable, frequent changes will be necessary at first and the amendment is designed to make these changes possible where found desirable.

In addition to the charter amendments, the voters approved by substantial majorities two bond issues, one for \$12,000,000 for a water filtration plant and extension of the water system, and one for \$25,000,000 for extension of the public sewer program made necessary through recent annexation of territory by the city.

C. E. RIGHTOR.

Philadelphia Creates Bureau of Legal Aid.—Philadelphia's council has established in the city's newly created department of public welfare a bureau "for the purpose of providing legal aid and assistance for those who are in need thereof and who for financial reasons are unable to retain private counsel." Philadelphia now boasts of being the largest city in the country with a municipally supported legal aid bureau.

The ordinance directs the city solicitor to assign to the bureau such attorneys as the council may provide. In addition the bureau contemplates utilizing the services of students in the city's several law schools.

Work was begun August first. A hundred cases were handled in the first week. At the end of August new cases were coming in at the rate of two hundred a week. The bureau expects to make it a permanent policy not to handle negligence and divorce cases. Applicants for such assistance will be referred to the law association which in turn will recommend a reliable attorney.

An appropriation is available for paying costs in cases in which clients cannot meet them.

In addition to the legal aid bureau, and apart from it, the municipal court is about to establish a "small claims court" in which free legal assistance will be given.

CLARENCE G. SHENTON.¹

Nebraska Constitutional Amendments Carried.²—A special election was held in Nebraska September 21, at which were submitted forty-one proposals for amending the constitution as prepared by the constitutional convention of last winter. Women were admitted to the polls upon equal terms with men. The vote cast was extremely light, not more than one-seventh of the total electorate. Twice as many men as women voted. The returns indicate that all the proposed amendments were adopted. The amendment which came nearest defeat was number 6, permitting the legislature to increase the membership in

¹ *Bureau of Municipal Research of Philadelphia.*

² For a complete discussion of the amendment see the NATIONAL MUNICIPAL REVIEW for July, 1920; p. 421 et seq.

the state senate from thirty-three to fifty. This amendment was defeated in many parts of the state, but the Omaha vote gave it a large enough majority to overcome the adverse vote elsewhere.

Labor union organizations in the state strongly opposed number 38 which allows the establishment of a court to determine labor and price controversies. A letter from Samuel Gompers was published in opposition to this. In spite of this the amendment seems to have carried by a large majority.

The American Legion opposed number 21, which provides that hereafter school lands may only be sold at public auction, if sold at all. Leaders of the American Legion wished this defeated in order to bring a bill before the next legislature giving ex-service men special privileges in obtaining school land. This effort also seems to have received no large support.

Opposition was also made to district election of university regents and judges of the supreme court, but both of these provisions were carried by good majorities.

In general, there was lack of interest in the amendments. Most of them were of small importance. The convention was dominated by conservative influences which refused to submit the more important proposals debated. The great gain from the convention and election is number 39 which provides that a majority of the electors voting upon future amendments to the constitution may adopt the same, provided said majority equals 35 per cent of the total vote cast at the election.

A. E. SHELDON.



Current Developments in Municipal Ownership in San Francisco.—An interesting development in the municipal railroad field is concerned with taking over temporarily the operation of a defunct steam railroad serving certain important industrial properties in San Francisco. This road, the Ocean Shore railroad, when faced with the increased wages demanded under the recent award by the railway labor board, announced that it would accept no more business, and requested the railroad commission for authority to discontinue all service and tear up its tracks. This question has not yet been decided by the railroad commission. Meanwhile, however, some twenty industrial concerns of varying importance, with spur tracks served by the Ocean Shore railroad, were without railroad facilities, and found themselves seriously handicapped.

The Ocean Shore refused to accept freight under any conditions for spotting on the spur tracks, and the city was appealed to. It was finally determined to turn over to the city for operation all of the lines of the Ocean Shore railroad within the limit of San Francisco that are electrified, the city to operate the electric locomotives and the shops of the Ocean Shore railroad without any rental charge to the city. Shippers located on the road agreed to pay the city any amount per car delivered necessary to cover the expenses of operation. The agreement is to continue for at least thirty days, and may be continued by mutual agreement for a longer period if the railroad commission has not at that time made a decision covering the application of the railroad for permission to discontinue all service and tear up its road-bed.

The platform men of the municipal railroad last October requested the board of public works for an increase in wages from \$5 to \$6 per day. The increase from \$4 to \$5 per day was granted in May of 1919, and in consequence the road has had to meet certain of the payments from its operating fund by transfer from its depreciation fund.

The matter of the \$6 a day wage came up within the past few weeks, and was strongly urged by the building trades council and the labor council. They suggested that the difference in operating expense be financed by transfer from the depreciation reserve as had been done in the case of the last increase in wages. It was conclusively demonstrated that such a transfer would completely deplete the depreciation fund, and the representatives of labor left the meeting convinced that a raise in fare was the only solution of the problem. The mayor and the public utilities committee, however, announced that no increase in fare would be considered unless approved by vote of the people.

PAUL ELIEL.



North Carolina Revolutionizes Assessment Values.—The results of the revaluation of property in North Carolina ordered by the legislature last year have been astonishing. The total valuation of all property, real, personal and corporate, was increased three-fold or to a 100 per cent basis. The adoption by the legislature of the revaluation report of the state tax commission enabled a great reduction in the tax rate. The legislature has accordingly submitted a constitutional amendment reducing

the constitutional tax rate limitation for state and county from 66 $\frac{2}{3}$ cents a hundred to 15 cents. The legislature furthermore reduced the state tax for schools from 83 $\frac{1}{3}$ cents a hundred to 31 cents.

An income tax amendment will be submitted at the same election which, if adopted, will yield a heavy revenue for state purposes and fully replace the present direct tax, leaving all of the 15 cents per hundred available for county purposes.

An amendment to the municipal finance act reduces the borrowing limit of municipalities from 10 to 5 per cent of the total assessed valuation. This was deemed necessary because of the greatly increased property valuations.



Governor at Odds with City Government During Galveston Labor Troubles.—The history, still in process of making, of Galveston's labor troubles and long occupation under martial law by state troops began with the strike, March 19, of coastwise longshoremen employed by the Morgan and Mallory steamship lines. Wage increase from 60 cents to 80 cents an hour was the demand which the unions presented on behalf of some 1,800 men. Coastwise shipping practically stopped and business all over the state immediately felt the effect. The Alamo, a Mallory line vessel, lay for weeks at the docks with spring merchandise from New York consigned to merchants over the state in her holds. Volunteer labor was tried to no avail and strikebreakers could not be obtained. The information became current and was noised upstate that men applying for work on the docks were intimidated and even beaten by the union pickets.

Late in May, in response to urgent demands from upstate consignees, the steamship companies imported crews of strikebreakers and began unloading their ships. The latter part of that month several automobiles containing non-union workers were stoned and the driver of one car beaten. When the Alamo was finally unloaded and the workers rushed to an interurban car, this car and one following it, not containing strikebreakers, was fired into on the outskirts of the city.

Repeated complaints had brought the situation to the attention of the governor and the Texas chamber of commerce. A meeting of the latter body was held in Dallas and Governor Hobby appealed to to take steps for opening the port to coastwise steamship traffic. A committee of

Galveston business men went to Austin for the same purpose. The result of this situation was that the chief executive sent Adjutant-General W. D. Cope and Ralph Soape, the governor's private secretary, to Galveston to investigate the situation and report to him whether they deemed state troops necessary. The report was affirmative and on June 7, 1,000 officers and men of the first brigade of cavalry, Texas National Guard, arrived and took charge of the situation. Guards were posted and the steamship companies immediately availed themselves of the protection to recruit full dock organizations. Freight began to move.

The city administration denounced the governor's action and there have since been two legal proceedings to test the authority of the guard—one an injunction suit in the fifty-sixth district court and the other an habeas corpus in the federal court for release of a prisoner held by the provost guard. In both the guard has been sustained.

On July 14 the governor suspended the penal law enforcement powers of the city commission and the police department was taken over by the military. Since then these functions have been entirely in the hands of the guard, commanded by Brigadier-General J. F. Wolters. The governor's proclamation declared that the city police department was in connivance with the strikers and refused to arrest offenders.

Until Wednesday, September 1, Colonel Billie Mayfield was provost marshal. On that date he was removed by General Wolters and placed under detention as the result of a statement which he issued taking responsibility for an attempt to arrest G. V. Sanders, editor of the Houston Press, at the Houston Country Club, August 30. The actual attempt to seize Mr. Sanders was made by three lieutenants who, it later developed, acted under Colonel Mayfield's orders. The colonel's trial by general court martial began Tuesday, September 7, and was completed Wednesday night. The findings of the court will not be announced until reviewed by Governor Hobby. In a statement to the court Colonel Mayfield said that he had attempted the editor's arrest because of alleged "incendiary" articles appearing in the press regarding the Galveston situation.



State Leagues of Municipalities Meet.—The twenty-first annual convention of the Pennsylvania league of cities of the third class

was held in August at York, Pennsylvania. A novel feature was the holding of model sessions of a police court, a board of health and a city council conducted by various members of the convention. The league went on record as desiring a larger proportion of taxes collected by the state to be returned to the cities and greater home rule for municipalities. Ira W. Stratton, former mayor of Reading, Pennsylvania, who is the active head of the league, was re-elected vice-president.

The twenty-third annual meeting of the league of Iowa municipalities was held at Des Moines. The league took a decided stand against the creation of state commissions and adding to the present executive departments. In the opinion of the convention this is the most dangerous tendency in state government.

*

Municipal Milk Plant for Jamestown, New York.—The people of Jamestown have recently authorized a bond issue of \$150,000 to construct a municipal milk plant and distribution system. Mayor Samuel A. Carlson first recommended the plan to the common council seven years ago as a health measure. When first submitted one year ago it was rejected by the voters. Further investigation, however, convinced them that the only way to assure pure milk is through a central station controlled by the city.

The milk purchased by the city will be bottled in sanitary containers. All except that which comes from tuberculosis tested cows will be pasteurized. It will be delivered directly to the consumers thus eliminating about seventy-five dealers who at present engage in milk distribution.

Construction of the plant will begin as soon as the bonds are sold. The success of the municipally owned water works, lighting plant, hospital and public market has made Jamestown optimistic as to the success of this newest venture.

*

San Francisco Charter Amendment.—Two very interesting amendments will be submitted to San Francisco voters in November, one covering the reorganization of the police courts, and the other the reorganization of the school department. Both involve a comparatively new principle in municipal practice.

In the case of the school department, the board of education is to consist of seven members with seven year terms. At the first election

following the approval of the amendment, the mayor will submit to the qualified voters the names of seven candidates nominated by him for the position of school director. The voters will have the opportunity of voting on the general proposition of confirmation of these appointees. If the appointment is not confirmed by a majority of the voters voting upon such appointment, the mayor shall fill the positions until the next election.

In the case of police judges, the same procedure is provided for with this additional provision, that incumbents may file with the mayor and the registrar of voters a declaration of candidacy for the succeeding term, and the name of the candidate must then be placed upon the ballot. In such a case the voters shall have the opportunity of voting upon the question "Shall the incumbent be continued in office." In case a majority vote "No," the mayor shall fill the office at the expiration of the term pending the next election. If the incumbent declines or fails to file his declaration of intention to become a candidate, the mayor shall nominate a candidate for confirmation by the electors in the usual way.

PAUL EISEL.

*

Woman Appointed to Toledo Cabinet.—With the appointment in September of Mrs. Prentice Rood as director of public welfare for Toledo, the mayor's cabinet for the first time counts a woman in its membership.

Opportunity for the appointment came when Mr. David H. Goodwillie resigned as director of public service, and Mr. Clarence Benedict, who had been director of public welfare, was appointed to succeed him. This left vacant the position of welfare director, and Mrs. Rood was selected to fill the place. The appointment was made by Mayor Cornell Schreiber. The department of public welfare is considered the one main department which a woman can supervise as well as a man. It contains the divisions of health, parks and boulevards, cemeteries, charities and corrections, recreation and amusements. It is the only department in which human problems predominate as contrasted with mere physical problems.

Mrs. Rood is the wife of an attorney. She has been prominent in club work for a number of years, and has long been active in civic affairs. She will receive a salary of \$4,000 per year, the same salary as was given to Mr. Benedict, her predecessor.

Recent Rent Legislation.—The legislatures of New Jersey and of New York have recently held sessions specially devoted to the housing crisis and in both cases little was done in the way of a permanent solution.

The New Jersey legislature exempted from taxation new building for dwelling purposes erected during the next five years. Another act requires three months' notice to terminate a month to month tenancy unless the tenant in fact proves objectionable.

With the exception of an act allowing cities authority to exempt from direct taxation for a period of ten years new dwelling construction, the New York legislature confined itself to legislation modifying the relations of landlord and tenant. The most important act makes it impossible for landlords to evict tenants for non-payment of rent where the rent has been raised, and will require them to sue for recovery of the premises from the tenant. In the event that the tenant should set up as his defense that the amount of rent is unfair, the burden of proof that

it is not is placed by the law on the landlord. The act applies only to cities of the first class or a city or county adjoining.

✦
Proportional Representation Defeated in Michigan Courts.—As we go to press word comes that the supreme court of Michigan has handed down an opinion on the Kalamazoo charter holding that section which provides for proportional representation for the election of council invalid. The balance of the charter is valid but the court decrees that a new election under the old system is necessary. The new council will probably be chosen at the regular election in November.

✦
Chicago Voters File Fifty-Word Petition.—The first stage of the campaign for the fifty-word law in Chicago, described in the September issue of the REVIEW, has been passed successfully by the filing of the necessary number of petitions. The question of the adoption of the law will now come before the voters at the November election.

II. JUDICIAL DECISIONS

Parks.—This was a taxpayer's action brought to enjoin the park commissioner of New York city from granting a revocable privilege for ten years to the Safety Institute of America, Inc., to use the old Arsenal building in Central Park as a museum of safety and sanitary devices. The lower court held this to be a valid grant and it was affirmed in the appellate division of the supreme court. The court of appeals has recently handed down its decision reversing these two prior decisions. In deciding the case the court held that "a park is a playground set aside for the recreation of the public, to promote its health and enjoyment; that it need not be a mere field or open space, but objects having no connection with park purposes should not be permitted to encroach upon it without legislative authority. To promote the safety of mankind and to advance the knowledge of the people of methods of lessening the number of casualties and avoiding the causes of physical suffering in premature deaths, is the purpose of the Safety Institute of America. To provide means of innocent recreation and refreshment for the weary mind and body is the purpose of the park system. The relation of the two purposes is, at best, remote." The *Columbia Law Review* of June makes an interesting criticism of the

decision that was handed down by the appellate court, and in comment states: "The earlier cases breathing the social and economic philosophy of their day, declared that the establishment and the management of parks is of no concern to the state as such, but is a business which the city undertakes in its proprietary character. The power of the park as an agency for health and happiness in increasingly crowded cities has brought with it the realization that the state representing the general public is the source of the city's authority." Doubtless the proposed use of the park will be sanctioned by legislative enactment, but it is interesting to note the vigor with which the courts have maintained the use to which public property of this character is dedicated.¹

✦
Effect of Charter Provision on Municipal Liability.—The charter of the city of Tulsa provided that no liability should exist for damages for injuries to persons or property arising from or occasioned by any public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the mayor or city engineer by personal

¹ 128 N. E. 121.

inspection or notice at least twenty-four hours prior to the occurrence and proper diligence has not been used to rectify the defect. The court held that such provision so far departs from reasonableness as to amount to a denial of justice, and it is therefore void, and that the city is chargeable with notice of a dangerous defect in its streets, though actual notice may not have been given, if the evidence shows that such state has continued for a sufficient length of time so that the city by exercising ordinary care might have learned of its condition.¹



Taxation of Non-Resident Property.—The assessors of Multnomah county made an assessment against Endicott, Johnson & Company, a New York firm, for "moneys, notes, and accounts" in the sum of \$5,000. Application was made to the court for the annulment of the tax. The question turned upon the point as to whether the company had established a business situs within the county. The evidence showed that the company employed a traveling salesman to secure orders; that he was authorized to receive no money, and that the notes and accounts were actually held at the office in New York state. The court said that the power of taxation, though an inherent attribute of sovereignty, is limited to the taxation of persons, property and business situated within the territorial jurisdiction of the state imposing the tax; that although the obligations in question arose within the county, the power to tax money does not include the right to tax these obligations held outside the state, and that the annulment should be made.²



City Control of Bus Lines.—The city of Seattle passed an ordinance regulating the operation of certain kinds of "for hire" motor vehicles and required that persons desiring to operate busses upon the streets, apply to the council for a permit. This afforded a complete control over the rate of fare, routes, etc. Plaintiff, a bus operator, files a petition in equity, praying injunctive relief upon the grounds that it violated the 14th amendment to the constitution, in that it "denies him equal protection of the law, disturbs his rights, and deprives him of his property without due process of law." Various questions were presented touching the

right of citizens to the use of the busses, the methods employed by council in passing the ordinance, the legal status of a defendant city which is a competitor of the plaintiff's, etc. The answers made by the court are briefly stated in the syllabus:

"Under the constitution of Washington, and the Seattle charter, the city has control of its streets and can legislate with relation to their use in a reasonable manner. The right to use the public streets of a city for the operation of jitney busses thereon, as a private business, is a matter of privilege, not of right, and can be prohibited by the city or permitted under terms, including the regulation of fares.

"A petition to intervene in a suit to enjoin the enforcement of an ordinance regulating jitney busses by a resident who lived on a bus line, and who alleged that he purchased his property on the faith that the busses would continue to operate, and that the street cars gave inadequate service, does not disclose any vested right or interest not shared by the general public, and permission to file same will be withheld.

"The fact that a city owns the street railway system does not deprive it of its power in its legislative capacity to regulate the operation of busses, which compete with the city street railroads."³



Zoning.—An ordinance of the city of Wilmington provided that no permit should be granted for the erection of a public garage in a residential district unless all the adjoining property owners file their consent with the building inspector. The validity of the ordinance was attacked, first, on the grounds that it was an attempted delegation of legislative powers, and second, because it was unreasonable, arbitrary, and oppressive. To the first contention the court applied the rule that "if the existence of the law depends on the vote or act of the people, it is an unconstitutional delegation of legislative power, but if the law is complete in and of itself, the fact that it provides for the removal or modification of its prohibition by the act of those most affected thereby, does not make it a delegation of legislative powers." Under this test it was held to involve no delegation of power.

To the second issue raised the court held that the ordinance was passed under the police powers or under the general welfare clause of

¹ 191 Pac. 186. *City of Tulsa v. Wells.*

² 190 Pac. 1109.

³ 191 Pac.—

the charter; that it is a matter of common knowledge that a public garage is of a noisy and odorous character, and that the provisions of the ordinance are not arbitrary or unreasonable and therefore valid. This decision adds one more rule to the already tangled maze of laws governing zoning and provides some defense for the temporary ordinances often passed in advance of a more comprehensive law.¹



Public Utilities.—The Arizona commission said: "A public service corporation, that has entered the field as a common carrier and has served a locality for a considerable period, cannot, in justice to those who have made investments and plans, cease operation at its pleasure,

even though temporarily it may not be earning a rate of return upon its property."

The Missouri commission said: "It is the duty of a railroad to render reasonable service. The question of the loss arising from the operation of a particular portion of the tracks of a railroad company will be considered in connection with its duties to the public in general and the productiveness of its operations as a whole. The commission has the power to compel a carrier to operate a portion of its road, even though such operation resulted in continued financial loss, unless it can be shown that such continued loss would hamper or prevent such carrier from maintaining adequate service on other portions of its lines."²

ROBERT M. GOODRICH.³

III. MISCELLANEOUS

National Municipal League Prizes.—The committee on prizes has announced that the William H. Baldwin prize of \$100 for 1921 will be awarded for the best essay, not to exceed 10,000 words, on one of the following subjects: *Special Assessments versus Taxation on Serial Bond Issues for Public Improvements*; *Organization of Administrative Departments along Functional Lines*; *Effect of Non-Partisan Elections upon Municipal Parties*.

The prize is offered to undergraduate students registered in a regular course in any college or university in the United States offering direct instruction in municipal government. Essays submitted in this competition must be forwarded not later than April 15, 1921.

The Morton Denison Hull prize of \$250 for the best essay on a subject connected with municipal government is offered to post-graduate students who are, or who have been within a year preceding the date of the competition, registered and resident in any college or university of the United States offering distinct and independent instruction in municipal government. Any suitable subject for an essay not to exceed 20,000 words may be selected by a competitor for the Hull prize provided it be submitted to the secretary of the league and approved by him at least thirty days before the time set for the close of the competition which is September 15, 1921.

Duplicate typewritten copies of all essays in either competition must be delivered to the post office or an express company not later than the date set, addressed to H. W. Dodds, secretary of

the National Municipal League, 261 Broadway, New York city, and marked: "For the (insert here the name of the) prize." Competitors will mark each paper with a nom-de-plume and enclose in a sealed envelope the full name, address, class and college corresponding to such nom-de-plume.

For any additional details concerning the scope and conditions of either competition, inquiries may be addressed to the secretary.



Nominations for Officers and Council for 1921.

—As required by the constitution the committee on nominations announces the following nominations for officers and members of the council of the National Municipal League for the year 1921. For president, the Hon. Charles E. Hughes; for honorary secretary, Mr. Clinton Rogers Woodruff; for treasurer, Mr. Frank A. Vanderlip; for vice-presidents, Richard S. Childs, Charles J. Bonaparte, George Burnham, Jr., Morton D. Hull, W. D. Lighthall, Meyer Lissner, A. Lawrence Lowell, Oliver McClintock, J. Horace McFarland, Samuel Mather, Charles Richardson, Julius Rosenwald, L. S. Rowe, Mrs. C. C. Rumsey, Albert Shaw and Theodore F. Thieme.

For members of the council, terms to expire 1921, Mrs. Caroline Bartlett Crane, Horace L. Brittain, H. H. Freeman, A. R. Hatton, T. H. Reed, Miss Edith Rockwood, A. Leo Weil, Mrs. Sidney C. Borg, R. T. Paine, Pierre du Pont.

¹ 1920E P. U. R. 378.

² Detroit Bureau of Governmental Research, Inc.

³ 110 Atl. 847.

C. A. Beard, Harris S. Keeler, Paul Eliel; terms to expire 1922, M. N. Baker, F. W. Catlett, G. B. Dealey, R. E. Tracy, Howard Strong, Lionel Weil, Lawson Purdy, Mrs. George Gellhorn, Miss Belle Sherwin, George L. Baker, Mrs. Carrie Chapman Catt, Herbert Croley, Ralph Stone; terms to expire 1923, Alfred Bettman, H. S. Buttenheim, Mayo Fesler, R. V. Ingersoll, W. B. Munro, H. M. Waite, C. R. Woodruff, E. C. Branson, William D. Foulke, Morris Black.



Changes in City Manager Field.—Four Cities Added—One or Two Discontinued. Three small cities—Sturgis, Michigan; Cherokee, Oklahoma; and East Radford, Virginia—have recently adopted city manager charters, which become effective on appointment of city managers. The Sturgis election, held in July, was taken into court on the ground that the use of daylight saving time instead of standard time, invalidated the election. The court ruled, however, that the charter had been legally adopted. Fillmore, California, though not previously reported in these columns, created the position of city manager by ordinance in November, 1918, and C. Arrasmith is serving as manager. The Nebraska courts have declared ordinances creating the position of city manager without referendum to the voters, are contrary to law, and hence invalid. Consequently, the position of manager at Chadron ceased to exist September 15th, and it is probable the same ruling has affected Alliance.

Since the publication of the September issue of the NATIONAL MUNICIPAL REVIEW, the following appointments have been announced:

Richmond, California. James A. McVittie, formerly city auditor, was appointed city manager July 12th; salary \$4,000, under the provisions of the ordinance adopted June 28th.

Boulder, Colorado. Scott Mitchell, a railroad contractor, has been chosen manager to succeed W. D. Salter, who recently resigned.

West Palm Beach, Florida. Karl Riddle, a twin brother of Kenyon Riddle, manager of Xenia, Ohio, has been appointed city manager at West Palm Beach, to succeed Joseph Firth. Mr. Riddle comes from Abilene, Kansas, where he and his brother maintained a firm of consulting engineers. His salary is \$4,200.

Auburn, Maine. Horace J. Cook succeeds Edward A. Beck as manager. Mr. Cook was director of public service under Mr. Beck. He

is a graduate of the University of Maine, and has specialized in municipal engineering. His salary is \$4,000, which includes that received as superintendent of the Auburn sewerage district, a separate municipal corporation.

Pipestone, Minnesota. V. H. Sprague became city superintendent September 1, at a salary of \$3,000. He succeeds F. E. Cogswell, who served for a period of more than three years.

Beaufort, South Carolina. John Collier, former city manager at La Grande, Oregon, succeeded Hal. R. Pollitzer as Beaufort's fifth city manager on September 1. Mr. Collier's promotion is the thirty-sixth case of the transfer of a manager from one city to another.

Hampton, Virginia. George L. Rinkliff, former secretary to the city managers at Springfield, Ohio, was appointed manager to take office September 1.

Lynchburg, Virginia. Edward A. Beck became Lynchburg's first city manager on September 1; salary \$7,500. This is Mr. Beck's fourth city. He had previously served as manager at Edgeworth, Pennsylvania; Goldsboro, North Carolina; and Auburn, Maine. He is vice-president of the City Managers' Association.

Petersburg, Virginia. Louis Brownlow, commissioner of the District of Columbia for the past five and one-half years, has been appointed city manager of Petersburg at a salary of \$10,000. Mr. Brownlow becomes the best paid manager in the country for a city of 31,000 population.

Portsmouth, Virginia. Col. J. P. Jervey was appointed city manager September 1 to succeed W. B. Bates, who had completed his three years' compact. Colonel Jervey is an engineer of long experience, and receives a salary of \$10,000 in his new position.

HARRISON GRAY OTIS.



Waste Disposal in New York City.—During the summer the Brooklyn chamber of commerce, Mayo Fesler, Secretary, through its health and sanitation committee issued a study entitled "The need of a comprehensive system for the collection and disposal of municipal waste in New York city," and addressed it to the board of estimate and apportionment for its consideration. The present system of New York city is described and a new plan proposed. The systems used in other cities are also discussed briefly. It is a commendable piece of work.

CITY MANAGER MOVEMENT

PROGRESS OF THE CITY MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

Being the fifth installment of the series. The December chapter will be: "Borough, Town, and City Managers 'Down East.'" ::

V. PACIFIC COAST CITIES UNDER MANAGER GOVERNMENT

It can hardly be charged that the city manager idea is the possession of any one section of the country, since the four leading states are Michigan, Texas, Virginia and California—North, South, East and West. At present there are sixteen California cities claiming some variety of city manager government. Oregon with her single city manager is entitled to a bit of credit as La Grande was the first town west of the Rockies to adopt a commission-manager charter.

CALIFORNIA

Only six of California's cities have created the position of manager by charter. The others are for the most part cities of the sixth class and are not permitted under the state law to adopt "home rule" charters and have done the next best thing by passing ordinances providing for the position of manager. All classes of cities but this latter group are permitted to draft their own charters and the last legislature tried to extend this privilege to the smaller towns but the governor's veto postponed the movement. The largest city on the list, San Diego, does not belong in the group of real city manager municipalities, since its manager of operations, though commonly referred to at home and abroad as a city manager, has no control over many

city activities usually supervised by the manager. Such cities as San Jose, Alameda and Santa Barbara, however, have done much to advance true commission-manager government.

San Diego's "Near Manager" Plan Succeeds

SAN DIEGO. Population, 95,000. Position of "manager of operations" created by ordinance May, 1915, in accordance with an amendment to the city charter. Wilbur H. Judy, the second manager, was appointed May, 1919; succeeded Fred M. Lockwood; salary, \$4,000.

The bureaus under control of the manager of operations are inspection, engineering, streets, public buildings, pueblo lands, mechanics, water, sewers, and garbage collection. The combination of these bureaus under the supervision of a single executive is a long step toward the city manager idea and has produced satisfactory results. The past year has been a retrenchment period and the budget for the operating department was reduced \$50,000, but out of added savings the manager was able to provide funds for extra work not authorized in the budget to the extent of \$51,000 and finish the year with a \$7,000 balance. The offices of city engineer and superintendent of streets have been combined with highly satisfactory results. A careful sys-

tem of records is in operation and a series of valuable surveys and plans completed.

The transfer of tide lands from the city to the United States government in connection with the construction of the U. S. Marine Base and Naval Training Station, required extensive and careful engineering work on the part of the city.

The city farm on pueblo lands has recently been transferred to the operating department and 7,000 acres have been plowed and sowed to grain. The pueblo lands belonging to the city will soon be made very valuable by the construction of water transmission lines to furnish irrigation. The city cannot sell this land but will lease tracts for farm purposes.

All water service in San Diego is metered, 15,320 meters being in service, of which 1,359 were added last year together with an increase of nearly two miles of service pipes and mains.

In April, 1919, the people voted for "free" garbage collection and the problem of equipping and operating the new bureau of garbage collection has been satisfactorily worked out. Under the new plan the expenditures of the operating department have been materially decreased. During the "war year" 1918 they amounted to but \$609,000 as compared to \$964,000 for 1914, the year before adoption of the manager plan.

Mr. Judy is thirty-five years old, a graduate mechanical engineer with considerable experience in construction work.

Lowest Fire Loss in History

SAN JOSE. Population, 40,000. Commission-manager charter effective July, 1916. W. C. Bailey, the second manager, succeeded Thomas H. Reed, July, 1918.

The city manager reports as follows:

The greatest problem in San Jose, for the last year has been to make ends meet.

Like many other cities the tax rate is limited by the charter to \$1.00. The assessing is done by the county assessor so that it is impossible for the city to raise the assessment or the tax rate. In addition to the regular tax the city formerly received from \$75,000 to \$100,000 a year excise license. Thus with a limited income and increasing war prices it has been a herculean task to maintain service and pay the bills.

San Jose is on an absolute cash basis and no bill is contracted until there is money in the treasury with which to pay.

Under such circumstances the following figures are self-explanatory:

For the first year under the city manager plan, 1915-16, the receipts were \$433,423, with a disbursement of \$435,201.

For the fiscal year ending December 1, 1919, the receipts were \$404,250, with a disbursement of \$375,542.

Thus it will be seen that though our receipts are about \$30,000 less than they were four years ago, our disbursements are about \$60,000 less;—this in the face of prices almost double what they were four years ago.

We actually enter the fiscal year of 1919-20 with an unencumbered balance of \$42,000, which added to our tax receipts and some business licenses will carry us through this present critical year when our entire excise tax is cut off.

All of the service of the city has been maintained in practically normal condition. As an evidence of the efficiency of our fire department our fire loss for the year is 50 cents per capita, the lowest in the history of the city, and extremely low when compared with the United States average.

All branches of the city government are running smoothly and efficiently, and as soon as arrangements can be made for securing more income, our organization is in such shape that we will be able to do those things for civil betterment which a real city manager form of government has the opportunity to accomplish.

During a temporary financial stringency Mr. Bailey contributed \$150 of his own salary a month toward the expenses of fighting the influenza epidemic. He is a graduate doctor of medicine and was formerly president

of the San Jose Chamber of Commerce and has had a successful business career.

Marked Economics at Alameda

ALAMEDA. Population, 20,806. Commission-manager charter effective May, 1917. Charles E. Hewes, manager; salary \$5,000.

A comprehensive zone ordinance dividing the city into eight classes of districts has been adopted and is now in operation. Some of the features of this ordinance include the prevention of the construction of any form of business structure within residence districts; the prohibition of erection of residences in industrial areas and the segregation of odorous and otherwise obnoxious businesses into certain definite limits.

Some five acres of added parklands have been purchased on the "pay as you go" plan. Payments will be made in four annual installments. Tree trimming has been placed on a scientific basis resulting in added beauty to the trees and enjoyment to the citizens.

The weed cleaning ordinance has been strictly enforced, the work done at minimum cost and charged to the property owner, and all park areas and vacant lots kept clean.

Prior to 1919, street sweeping was done by contract at a cost of ten cents per thousand yards. This year it has been handled by the street department at three and one half cents. Under the contract system the maximum number of sweepings in any street was three a week. Now the principal streets are swept twice a day and practically five times the previous area is now kept clean. The total cost of street cleaning, in spite of increased prices of labor and material, is less than 44 per cent of the cost under contract.

Garbage has been sold under contract to a hog raising firm at \$3.50 per ton at the city dumping ground. This revenue amounted to \$1,525 which, added to the saving of \$480 formerly paid for a dump supervisor, nets the city over \$2,000.

The street department equipment is being motorized and besides yielding a material increase in volume of work performed there has been a saving of some 25 per cent on cost of operation. In street repair work better materials have been used and the price of labor has been increased, yet there has been a saving of some \$200 per square mile effected by efficient methods.

An intensive study of the water supply problem is being made.

Tubercular cases, cases of extreme poverty and general social welfare have been given careful attention. The work of the health visitor has been quite extensive and has given "a human touch" to the city's work.

Mr. Hughes is thirty-six years old and a civil engineer. He served as city manager at Alhambra, California, from July, 1915, to May, 1917. He writes: "The new plan of government is working out very well. The general public appears to be satisfied and we are frequently receiving volunteer comments approving both the scheme and the work done. I am fully satisfied that the citizens of this city would not now consider any other form of government."

Public Safety and Health Increased

SANTA BARBARA. Population, 19,441. Commission-manager charter effective January, 1918. The third manager, Fred L. Johnston, was appointed March, 1920; salary \$4,000.

Santa Barbara has been growing rapidly and during 1919 the increase in valuation exceeded \$2,500,000. Due to increased prices and a larger

program of construction the tax rate for 1919 was increased 18 cents per hundred. The 1920 budget reduces the tax 12 cents although the county tax for the same period is to be raised 60 cents.

The fire department has been brought to a high state of efficiency and call men are being replaced by full paid firemen. The fire loss per capita last year amounted to but 19 cents and the percentage of loss to values involved less than .004, a remarkable record. The spare time of the firemen is utilized for city work. The men have remodeled the old park station, designed and built a heating plant for the jail, designed and constructed sanitary iron beds in the cells, designed and made street signs for the entire city and painted the city automobiles. The estimated saving thus effected totals \$4,800.

Infrequency of arrests may either indicate a shiftless police force or a well behaved public. In Santa Barbara the figures have both meanings, but at different times. A reorganization of the police department brought about a period of strict law enforcement, as indicated by the reports. In October, 1918, under the old régime, 136 arrests were made. In November, the first month under the new régime, the arrests numbered 219 and in December 238. As a result of the severity and vigilance violations of law immediately began to decrease. January showed 220 arrests; February 198; March 185 and so on until June, 1919, there were but 130 arrests necessary, many of them merely for minor traffic violations.

Prevention of crime is emphasized. To quote the police rules "it is greater credit to arrest crime than to arrest criminals." The bureau of criminal identification is an important part of the police department and the local

files contain some ten thousand prints and photographs.

All purchasing has been centralized in the manager's office and the city has a general storehouse, automobile repair shop, motor repair shop and blacksmith shop.

In an effort to reduce infant mortality, a public clinic has been established. Over two hundred babies were treated with most encouraging results.

A shortage in the water supply during the year made it necessary to restrict the sale of water with a consequent loss of revenue. The Gibraltar Dam was completed in November and the city is now safeguarded against the repetition of such shortage. Some two and one half miles of 10-inch and 18-inch redwood pipe were laid in 1919 and 103 new surface connections made.

The city has purchased and operated an asphalt plant and is now able to eliminate the disagreeable feature of having to wait until repair work has piled up sufficiently to make the employment of a contractor worth while. Paved streets are kept in good condition. Unpaved streets have been vastly improved as the city has purchased a 12-ton gasoline road roller, a grader and a scarifier.

Construction of a sewage disposal plant has solved a most serious health problem, by keeping the beaches clean. Heretofore the shore has been covered by sewage washed back from sewer outfall. "The condition was filthy in the extreme and a menace to health." Since installation of the plant, this condition has been completely cured, and the ocean front of Santa Barbara is one of the cleanest on the coast.

The annual report, published in July, 1919, is well illustrated, makes excellent reading and indicates that Santa Barbara has a modern scientific, accounting system.

Robert A. Craig, who served as

manager until January, 1920, is thirty-seven years old and a graduate mechanical engineer. He was manager at Phoenix, Arizona, for four years prior to his appointment at Santa Barbara.

Bakersfield Makes Good Record

BAKERSFIELD. Population, 18,638. Commission-manager charter effective April, 1915. F. S. Benson, the second manager, who was appointed May, 1917, served till May, 1919, and was reappointed July, 1919; salary \$4,000.

During the past year, Bakersfield has:

- Increased the salaries of the city employees;

- Established two-platoon system in fire department;

- Constructed two and one-half miles of paving;

- Completed thirty-four blocks of grading and oiling;

- Let contract for two new sewer districts;

- Operated free dental clinic for school children;

- Established a day nursery;

- Re-established a free employment bureau;

- Opened up free automobile camp ground with kitchen, dining-room and other conveniences;

- Enlarged its parks;

- Paid special attention to public health with the result that there have been no epidemics and the city schools have not been closed on account of illness.

The city has kept within its budget without voting bonds or special taxes and without handicapping any department.

Mr. Benson is fifty-six years old. He was a school teacher for ten years and later served as county official. He is trained as an accountant, newspaper man and ran a ranch for seventeen years.

A Clearing House for Trouble

GLENDALE. Population, 11,500. Position of manager created by ordinance May, 1914. T. W. Watson, manager; salary \$2,400.

At the time of adopting the manager plan Glendale had a population too small to permit its drawing up a commission-manager charter. The population has gradually increased, however, and there is now a definite movement on foot to replace the present plan by one conforming more nearly to the standard type.

In a recent address the mayor of Glendale refers to the office of the city manager as "primarily a clearing house for trouble"—"the board is not confronted with many small difficulties that arise in the administration of the city's affairs. These are handled by the manager so that the board can meet at the regular sessions and transact such business as is required without spending hours going into small details which would otherwise be the case."

Practically all city departments are now supervised by the manager, his powers and duties having been increased from time to time.

Glendale has a modern budget system; a practical system of assessment for public work and gives immediate attention to complaints and requests for information.

Mayor Muhleman concludes his address: "The city manager plan as applied to Glendale is in every way successful. It operates to save money for the taxpayer, it augments the service of every officer and employee of the city and put in the hands of a careful man, a good executive officer, and a man of vision, such as Mr. Watson, our city manager, redounds to the benefit of every citizen in the city."

Glendale has voted upon the im-

proving of its water system. Electric equipment is being purchased and plans are under way for installing a municipal telephone system.

Mr. Watson had no special training for his new profession other than a general acquaintance with city affairs.

Many Ways of Saving Money

ALHAMBRA. Population, 10,000. A modified commission-manager charter became effective July, 1915. Grant M. Lorraine, the third manager, was appointed January, 1917; salary \$2,700.

Shortly after the manager plan was established the city purchased a water system. The transaction was so well handled that the value acquired by the city is approximately \$25,000 in excess of the purchase price. The cost of operation averages \$14,100 less per year than when the plan was privately owned. It is estimated that during the three years, business methods of conducting city work have resulted in a saving of \$11,800 and other adjustments recently made are earning in addition to this more than \$3,500 per year.

Installation of a master meter in the power plant produces a saving of \$2,000 per year. By establishing a scientific method of handling interest and sinking funds of the water works bonds there will be a saving to the city estimated at \$30,240 during the life of the bonds as compared to former methods of handling such matters.

Careful investigation showed that it was costing the city 22 per cent per year to maintain streets. Methods have been changed and the ultimate saving is placed at \$4,100 per year. Modern equipment has been purchased for the street department and the saving brought about represents more than 50 per cent profit on the investment.

The manager concludes a recent

report: "In my opinion, the employment of business-like methods and the co-ordinated development of city problems is more readily accomplished under the city manager plan than under the old form of government."

The Alhambra charter differs from the usual type in following more closely the old style commission plan, placing members of the commission at the head of the various departments, thus minimizing the usual powers of the city manager. In fact, it was once charged by a former manager that politics occasionally enter into Alhambra's city government, in an attempt to make of the city manager "only a rubber stamp for the conduct of the city's business."

Mr. Lorraine is thirty-nine years old, a civil engineer and served as city engineer and street superintendent in Alhambra for some time before being promoted to the managership upon the resignation of F. L. Hilton.

Abolish Vice and Clean Up City

PITTSBURG. Population, 7,000. Position of manager created by ordinance September, 1919. Randall M. Dorton, the second manager, was appointed November, 1919; salary \$3,000.

A recent editorial from a Pittsburg paper indicates that the city manager not only conducts municipal affairs but already has become a community leader. He is credited with having organized a chamber of commerce and a chapter of the American Legion and with having been largely responsible for the carrying of an election authorizing \$440,000 worth of bonds for municipal improvements.

Law enforcement has started by cleaning up of the gambling dives, removing slot machines, enforcing the pool room ordinance, abating houses of prostitution, enforcing the garbage ordinance and attending to "many minor evils and nuisances" to the end

that the city is fast being made a cleaner and better place in which to reside and raise a family.

Incidentally, "the fines paid into the city treasury in the past few days amounted to enough to pay the salary of the city manager for the entire time of his occupancy of office."

Revenue is being secured from sources hitherto overlooked and finances have been placed on a sound budget basis.

The proceeds from the bonds will be used to construct a city hall and memorial library, street and sewer improvements and purchase equipment for the fire and street cleaning departments.

Mr. Dorton is twenty-eight years old, a graduate in political science, served as captain overseas, and was executive secretary of the Oakland War Camp Community Service at the time of his appointment.

Add \$1,000,000 to Rolls by Scientific Assessments

REDDING. Population, 5,000. Manager plan created by ordinance October, 1918. Ernest A. Rolison, manager; salary \$2,400.

As is often the case, the position of manager at Redding has been largely a matter of evolution, thus Mr. Rolison had charge of many of the city's departments from January, 1916, and as his duties were increased the position of manager was created largely to name a job already effective.

Confronted by a loss of revenue resulting from prohibition, Redding called in tax specialists to revise the assessed valuations with the result that the tax roll has been increased from \$1,500,000 to \$2,500,000 and the loss has been more than compensated. A modern budget system has been placed in operation.

During the past year an extensive

paving program has been carried out and streets gradually improved by means of modern equipment.

Health has been conserved by establishing a mosquito abatement district and by enforcing the purification of the city water supply with the result that there has not been a single case of typhoid in four years.

The municipal summer resort proved popular last summer and the city is now constructing a ten acre park which will contain an automobile camping ground, baseball park, athletic track and playground.

Mr. Rolison is 34 years old and trained in electrical and civil engineering.

Less Waste of Time and Money

ANAHEIM. Population, 5,526. Ordinance creating position of manager passed November, 1919. O. E. Steward, manager.

As in the case of Redding, Anaheim has given the title of city manager to its former city engineer and superintendent of streets at the same time increasing his duties to cover other departments. The manager writes:

"We are keeping the city business in continual operation. There are no periods of waiting between meetings of the board of trustees. We are accomplishing things in a much shorter time and at less expense than under the old method. There is no opposition manifest."

Anaheim is making rapid progress in the field of public welfare. A twenty acre public park has recently been presented to the city and municipal band concerts are proving popular. Plans for a civic center will be presented at an election soon.

Manager Plan by Evolution

CORONADO. Population, 2,500. Ordinance creating position of manager

effective January, 1920. G. F. Hyatt, manager; salary and fees \$2,100.

Coronado furnishes another example of a town which developed the position of manager by evolution. Mr. Hyatt has served as city engineer since September, 1918, and his duties increased so that his present position is new in name only although a few added responsibilities have been placed upon him.

Mr. Hyatt is twenty-six years old, an engineer trained in municipal work.

A Decided Success

PASO ROBLES. Population, 2,000. Manager plan created by ordinance April, 1918. William Ryan, the second manager, was appointed April, 1919; salary \$2,000.

The plan is reported as having proved "a decided success" and the manager has been retained for the coming year at increased salary. Municipal improvements to the amount of \$175,000 including extensive street paving and the construction of an electrolyser system are under way.

Mr. Ryan is forty years old and a mechanical engineer.

SOUTH PASADENA. Population, 5,600. Manager plan adopted by ordinance January, 1920, effective March 1, 1920, with R. V. Orbison as manager.

RICHMOND. Population, 10,000. An ordinance creating the position of manager was passed in June, 1920. J. A. McVittie, the manager was formerly city auditor. His salary is \$4,200.

FILLMORE. Population, 2,000. The position of manager was created by ordinance in December, 1918. C. Arrasmith, the manager, serves also as clerk and recorder.

AVALON. A. B. Waddingham is serving as city manager under provisions of a local ordinance.

SALINAS. Population, 4,000. City

manager charter^a was adopted last summer and gives the council the power to appoint a manager "if they think it beneficial to the interest of the city." No manager has been appointed to date, but recent newspaper clippings indicate that one will be soon.

OREGON

Debt and Taxes Reduced

LA GRANDE. Population, 6,913. Commission-manager charter effective October, 1913. George Garrett, the fifth manager, was appointed June, 1920; salary \$3,000.

The annual report of La Grande for 1919 shows that since the new plan was adopted the bonded indebtedness has been reduced from \$275,000 to \$190,000, and the tax rate decreased from 17.5 to 12.4. Under the old system the city had a floating debt of over \$100,000, the city warrants were discounted 10 per cent and the bank reluctant to take them at any price. Now no expenditure is allowed without due authorization and funds in the bank to cover. During 1919 the city paid off \$50,000 municipal bonds, reduced the floating debt \$25,000 and liquidated \$50,000 improvement bonds not included in the totals mentioned above.

Camping grounds for tourists, a golf club and use of school property for playgrounds and social centers are projects now under consideration. During the year there have been no disastrous fires and the per capita loss was less than \$1.00. The fire department has been improved.

A municipal employment bureau is in operation and serves also as a clearing house for complaints and public information.

Mr. Garrett is a municipal engineer, thirty-four years old. He succeeded John Collier.

SUPPLEMENT TO THE

National Municipal Review

Vol. IX, No. 11

November, 1920

Total No. 53

ADMINISTRATIVE REORGANIZATION IN ILLINOIS

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PUBLISHED BY THE

NATIONAL MUNICIPAL LEAGUE

RAILROAD SQUARE, CONCORD, N. H.
EDITORIAL OFFICE, 261 BROADWAY,
NEW YORK, N. Y.

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ADMINISTRATIVE REORGANIZATION IN ILLINOIS¹

I. ADMINISTRATIVE CHAOS UNDER STATE BOARDS

The civil administrative code of Illinois, enacted in 1917, is probably the most important step taken in that or in any other state in the direction of a more efficient and better integrated state administrative system. It has attracted attention and aroused interest all over the country and has been studied and, to some extent, copied in a number of other states. Much has been written about it at different times and in different publications, but it is believed that it would be useful to collect together in one place some of the more important facts and considerations regarding the experience of Illinois in the adoption and putting

¹The text of the code is found in Illinois Session Laws, 1917, pp. 2-36. Other sources of information which have been used in the preparation of this paper are: the First Annual Report of the Directors under the Civil Administrative Code, 1918; Second Annual Report of the Director of Finance, 1919; Illinois Blue Book, 1919-20, pp. 5-45; Testimony of Governor Lowden and Director Wright before the United States House of Representatives Committee on a National Budget System, Hearings, 1919, pp. 3-47; personal interviews with various officials in the State House, especially the Director of Finance, Mr. Omar H. Wright; Illinois Constitutional Convention Bulletin No. 9, on the Executive Department; State of Illinois, First State Budget, for the biennium beginning July 1, 1919, submitted to the fifty-first general assembly by the governor; and the Illinois Centennial History, vol. v, chap. xi, by the present writer, extracts from which are herein reproduced. The chart on p. 749 is reproduced from A. E. Buck's "Administrative Consolidation in State Governments," supplement to the NATIONAL MUNICIPAL REVIEW, November, 1919, p. 644.

into effect of the state administrative organization provided under the code.

In order fully to understand the significance of the code, it is necessary to consider the main features of the situation as it existed prior to its enactment. One of the most conspicuous developments in state administration in Illinois, as in other states, during recent decades, has been the creation of numerous administrative agencies, known collectively as state boards and commissions. As early as 1897 the evils of too many state boards were perceived and warned against by the president of the state bar association. "While many of these boards are necessary," he declared, "yet the increase is surprising, and indicates a tendency to multiply the tax-eaters at the expense of the taxpayers." In 1909 a committee of the house of representatives, appointed to investigate the charitable, penal, and reformatory institutions, recommended that these institutions be consolidated under the management of one board of control. A special senate committee also made a similar report. The result was the passage of a law bringing the various state charitable institutions under the management of the state board of administration. In 1913 the work of the fish commission and the game commissioner was consolidated, and a game and fish conservation commission was created to perform their functions. The results of these consolidations were undoubtedly in the direction of greater economy and efficiency. This is illustrated by the fact that the total appropriations asked of the 1915 legislature by the

separate charitable institutions, as stated in the so-called budget of the legislative reference bureau, amounted to more than a million and a half dollars more than the total appropriations requested for all these institutions by the state board of administration.

In spite, however, of these partial improvements in organization, the main body of the state administrative agencies showed little evidence of unified design or systematic planning, but consisted of a complicated mass of separate and disjointed authorities, operating with little reference to each other or to any central control. The investigations of the Illinois efficiency and economy committee in 1914 showed that, at that time, there were more than a hundred separate agencies of this character in the state. The large extent and varied conditions found in the state, together with its prominence in agriculture, industry and manufacturing, operated as one of the principal causes in producing this extraordinary number of such agencies, which was surpassed by only two or three states in the Union. The expansion of the state administration through the creation of boards and commissions is in large measure due to the practical necessity that the state shall undertake new functions for the regulation of new conditions. Mere legislative action for this purpose was rightly deemed insufficient and administrative agencies were therefore created. Among the more important matters which were brought under the supervision of control of state boards may be mentioned public health, charities and corrections, education, equalization of taxes, public utilities, agriculture, and the civil service.

The internal organization of state administrative agencies has been subjected to close control by the legislature, both through the passage of laws

creating the boards, prescribing their powers and providing for the number of their staffs and employees and also through the power of appropriating the necessary funds for paying the salaries and expenses. The general assembly began, in 1895, the practice of itemizing the appropriations so that such acts usually enumerated the various offices and employments under each board, specifying the exact salary to be paid each officer and employee. They also frequently went into great detail in specifying the exact sums that might be disbursed for each item of expense. Thus, the general assembly of 1915 appropriated to the state industrial board \$364 per annum for towels and \$60 per annum for ice and water. In many cases, however, a lump sum is also appropriated for contingent expenses, as it is impossible for the general assembly to foresee in every case all financial needs that may arise. In 1917 a plan was formulated which seeks to adopt a uniform classification for all appropriations.

State administrative agencies created by legislative authorization have, for the most part, been organized on the collegial principle. Provisions have also frequently been embodied in the law requiring minority representation on state boards. This practice, however, tends to divide responsibility and has been condemned by the efficiency and economy committee on the ground that it facilitates bi-partisan combinations for the control of the offices at the disposal of the board. It has also been observed that the device of bi-partisan representation "enables those boards to be particularly successful in securing large appropriations, . . . and also enables them without great difficulty to thwart any threatened investigation," for the "washing of dirty linen" in public would be equally injurious to the interests of both

parties. In the case of the former state board of equalization, the collegial principle was apparently utilized for the purpose of giving representation to the different geographical sections of the state.

Moreover, the various state boards were not very well articulated with each other and with the other agencies and departments of the state government. The members of state boards are usually appointed by the governor with the advice and consent of the senate. But the device of gradual renewal or overlapping terms of such members hampers somewhat the control which the governor might otherwise be able to exercise over them. Moreover, the relations between different boards having to do with closely related services were not carefully worked out, with the result that some matters were either inadequately regulated or escaped supervision altogether.

In addition to the above difficulties and evils which have grown up in connection with the board system, it has been noted that the expenditures of the state government have increased hand in hand with the increase of state boards. The biennial appropriations grew from approximately sixteen million dollars in 1905 to about forty-six million dollars in 1915. In the former year this was about three dollars per capita; in 1915 it was about seven and one-half dollars per capita. Of the amount appropriated in 1915, about fifteen million dollars annually were to be expended by state boards and commissions. Much of this increase was, of course, due to the general rise of prices and the consequent increasing cost of carrying on governmental operations. It has also been due in part to the assumption by the state of expenditures for new purposes, such as increased state aid to education, charitable administration, and the pro-

motion of good roads. There was a growing feeling, however, that much of this increased cost of running the state government was due to the increase of state boards, the cumbrousness of governmental machinery, duplication of work, and uneconomical methods of discharging public functions. The realization of these facts led to a movement for the abolition of useless boards and the consolidation of others into a more logical and unified system.

II. STEPS TOWARD REFORM

In his farewell message to the legislature in January, 1913, Governor Deneen suggested the creation of a commission for conducting an "investigation of plans for the co-ordination of existing boards and commissions whose duties overlap or are so similar as to permit of unification and reduction in number while improving their methods and the economy of their administration." Accordingly, by joint resolution of the 1913 legislature, a joint committee, composed of four senators and four representatives, was created "to investigate all departments of the state government, including all boards, bureaus and commissions, . . . such investigation to be made with a view of securing a more perfect system of accounting, combining and centralizing the duties of the various departments, abolishing such as are useless and securing for the state of Illinois such reorganization that will promote greater efficiency and greater economy in her various branches of government." An appropriation of \$40,000 was made to carry out the investigation, which was later supplemented by a further appropriation of \$10,000. During 1914 the structure of the board system was subjected to an elaborate examina-

tion by the efficiency and economy committee. A director was appointed in immediate charge of the work, who selected a staff of expert investigators. Numerous hearings were held and a final report was issued in a volume of more than a thousand pages, constituting the most exhaustive study of state administration that had been issued up to that time.

As a result of its investigations, the committee reached the following conclusions in regard to the administrative disintegration produced by the board system:

Under the existing arrangements inefficiency and waste necessarily arise from the lack of correlation and co-operation in the work of different offices and institutions which are carrying out similar or closely related functions. There are separate boards for each of the state penitentiaries and reformatory and for each of the state normal schools. There are half a dozen boards dealing with agricultural interests and about a score of separate labor agencies, including four boards dealing with mining problems and eight free employment offices, each substantially independent of each other. State finance administration is distributed between a number of elective and appointive officials and boards without concentrated responsibility. The supervision of corporations and of banks, insurance companies and public utilities is exercised by a series of distinct departments. State control of public health is divided between various boards with no effective means of co-ordination. Nor is there any official authority for harmonizing the work of the numerous educational agencies.

With regard to the lack of effective supervision and control over the numerous boards, the findings of the committee were as follows:

As a result of the absence of any systematic organization of related services, there is no effective supervision and control over the various state offices, boards and commissions. It is true that the great number of these are under the nominal supervision of the governor, through his power of appointment and removal. But

the very number of separate offices makes impossible the exercise of any adequate control. To a very large extent each authority is left to determine its own action; conflict of authority between two or more offices is often possible; and if harmony and co-operation is secured it is by voluntary compromise rather than by the advice or decision of a superior authority. Under the present arrangements too many independent authorities have power to make expenditures subject to no effective centralized control or responsibility. This situation necessarily leads to waste and extravagance.

As a result of its findings, the committee recommended the enactment of laws which would introduce greater economy, efficiency, and concentration of responsibility into the state administration. In particular, the committee recommended the enactment of laws providing for the consolidation and regrouping of the administrative services into ten principal departments, namely, those of finance, education, law, trade and commerce, labor and mining, health, agriculture, public works, charities and corrections, and military affairs. Some of these departments were to be under single heads, appointed by the governor; others were to be under boards, while the attorney-general, a constitutional officer, was to be at the head of the law department.

At the next regular legislative session, that of 1915, after the report of the committee was submitted, bills were introduced designed to carry out the recommendations of the committee, but very little was done at that session toward putting the recommendations of the committee into effect. The most important act actually passed was one providing for the appointment by the governor and senate of a superintendent of printing and providing for systematic methods in contracting for the purchase of printing and stationery. To have carried out the recom-

mendations in a thoroughgoing fashion at that time would have involved the abolition of many positions in the state service which, however useless such positions might be, could not be done without arousing powerful opposition from the officeholders affected. Instead of consolidating or abolishing administrative agencies, the legislature of 1915 created about a dozen new and independent boards and commissions. Two years later, however, the conditions were more propitious. In the campaign of 1916 the candidates for governor vied with each other in advocating the carrying out of the program of reform in state administrative organization recommended by the efficiency and economy committee. The platforms of the two leading parties, adopted in September of that year, each contained planks on the subject. The Democate plank declared in favor of the "enactment of laws for the consolidation of the different commissions of the state, as recommended in the report of the efficiency and economy commission." The Republican plank favored the "consolidation of the boards, institutions and different departments, thereby eliminating useless and unnecessary offices and positions, avoiding overlapping functions and increasing efficiency."

III. THE CIVIL ADMINISTRATIVE CODE ADOPTED

Immediately after his election Governor Lowden had prepared a tentative draft of the consolidation bill and began to take energetic steps to carry out this plank of the Republican platform. In his inaugural address to the legislature in January, 1917, he declared that "one of the imperative needs of the state is the consolidation of its multiplied agencies into a few principal departments. . . . Ad-

ministrative agencies have been multiplied in bewildering confusion. They have been created without reference to their ability, economically and effectively, to administer the laws. Separate boards govern the penitentiaries, the reformatories, and the educational institutions. Several boards and commissions have charge of matters affecting the agricultural interests. Administration of laws affecting labor is parceled out among numerous agencies, each independent of the other. Our finance administration is chaotic, illogical and confused. The administration of the health laws is divided between boards and commissions, with no effective means of co-ordination. Our educational agencies are not harmonious. Over one hundred officers, boards, agencies, commissions, institutions, and departments are charged with the administration of our laws. No systematic organization exists and no adequate control can be exercised. Diffusion, rather than concentration and responsibility, mark our system." Governor Lowden gave his program for the consolidation of administrative agencies the right of way during the first few months of his term and declined to allow other matters to interfere with it. He shrewdly declined to make appointments to fill places under the old administrative organization as this would have greatly increased the difficulty of adopting the simplified plan and possibly have entirely killed all chance of success in putting it through the legislature. Under the skillful leadership of the governor, however, the consolidation bill was introduced shortly after the beginning of the session, referred to separate or special committees constituted in each house to consider it, and passed both houses by substantial majorities and went into effect July 1, 1917.

The consolidation act or civil ad-

ministrative code follows in the main the recommendations of the efficiency and economy committee, but with certain modifications. While the committee had recommended the creation of ten principal departments, the code provides for only nine, as follows: finance, agriculture, labor, mines and minerals, public works and buildings, public welfare, public health, trade and commerce, and registration and education. The code also carries out more consistently the principle of a single head for each department than the efficiency and economy committee had recommended. Each department is under a head, known as the director, who is appointed for four-year terms by the governor with the consent of the senate. They receive annual salaries ranging from \$5,000 to \$7,000. The principle is thus adopted of having a single officer instead of a board in charge of executive functions. Exceptions to this rule, however, consist in the provision for the tax commission in the department of finance, the industrial commission in the department of labor, the public utilities commission in the department of trade and commerce and the normal school board in the department of registration and education. In these cases it was considered desirable to retain the board form of organization on account of the quasi-judicial or sub-legislative functions which they are called upon to perform. These boards are salaried, are appointed by the governor and senate, and serve for four-year terms, except that the members of the tax commission and normal school board serve for six-year terms. Although nominally placed in the departments indicated, these boards are in reality largely independent of control by the directors of such departments. They are, however, under the general finan-

cial supervision of the director of finance, and the director of education and registration is chairman and ex officio a member of the normal school board. In addition to these executive boards, advisory and unpaid boards were also attached to some of the departments. More than fifty boards, bureaus, departments, and offices, the work of which was taken over by the nine departments established and had previously existed independently of each other, were specifically abolished.

In each of the nine departments there is an assistant director and other officers or heads of bureaus who are appointed by the governor in the same manner as the director, but are under the immediate control of the heads of departments. The governor is also charged with the examination and approval of the bonds of various state officers and may, in his discretion, require additional security. Civil service employees under the abolished officers and boards are transferred along with the functions of such abolished boards to the new departments created. One private secretary, who is exempt from civil service regulations, is provided for each director.

IV. THE PRESENT ORGANIZATION OUTLINED

The various officers and boards assigned to each department are indicated by the following outline:

In the department of finance:

Assistant director of finance;
Administrative auditor;
Superintendent of budget;
Superintendent of department reports;
Statistician;
The tax commission, consisting of three officers designated as tax commissioners.

In the department of agriculture:

Assistant director of agriculture;
General manager of the state fair;
Superintendent of foods and dairies;
Superintendent of animal industry;
Superintendent of plant industry;
Chief veterinarian;
Chief game and fish warden;
The food standard commission, which shall consist of the superintendent of foods and dairies and two officers designated as food standard officers.

In the department of labor:

Assistant director of labor;
Chief factory inspector;
Superintendent of free employment offices;
Chief inspector of private employment agencies;
The industrial commission which shall consist of five officers designated industrial officers.

In the department of mines and minerals:

Assistant director of mines and minerals;
The mining board, which shall consist of four officers designated as mine officers and the director of the department of mines and minerals;
The miners' examining board, which shall consist of four officers, designated miners' examining officers.

In the department of public works and buildings:

Assistant director of public works and buildings;
Superintendent of highways;
Chief highway engineer;
Supervising architect;
Supervising engineer;
Superintendent of waterways;
Superintendent of printing;
Superintendent of purchases and supplies;
Superintendent of parks.

In the department of public welfare;

Assistant director of public welfare;
Alienist;
Criminologist;
Fiscal supervisor;
Superintendent of charities;
Superintendent of prisons;
Superintendent of pardons and paroles.

In the department of public health:

Assistant director of public health;
Superintendent of lodging house inspection.

In the department of trade and commerce:

Assistant director of trade and commerce;
Superintendent of insurance;
Fire marshal;
Superintendent of standards;
Chief grain inspector;
The public utilities commission, which shall consist of five officers designated public utility commissioners;
Secretary of the Public Utilities Commission.

In the department of registration and education:

Assistant director of registration and education;
Superintendent of registration;
The normal school board, which shall consist of nine officers, together with the director of the department and the superintendent of public instruction.

The above named officers, and each of them, shall, except as otherwise provided in this act, be under the direction, supervision and control of the director of their respective departments, and shall perform such duties as such director shall prescribe.

§ 6. Advisory and non-executive boards, in the respective departments, are created as follows:

In the department of agriculture:

- A board of agricultural advisors, composed of fifteen persons, and a board of state fair advisors consisting of nine persons, not more than three of whom shall be appointed from any one county.

In the department of labor:

- A board of Illinois free employment office advisors, composed of five persons;
- A board of local Illinois free employment office advisors, for each free employment office, composed of five persons on each local board.

In the department of public works:

- A board of art advisors, composed of eight persons;
- A board of water resource advisors, composed of five persons;
- A board of highway advisors, composed of five persons;
- A board of parks and buildings advisors, composed of five persons.

In the department of public welfare:

- A board of public welfare commissioners, composed of five persons.

In the department of public health:

- A board of public health advisors, composed of five persons.

In the department of registration and education:

- A board of natural resources and conservation advisors, composed of seven persons;
- A board of state museum advisors, composed of five persons;
- The members of each of the above named boards shall be officers.

A graphic view of the code organization, omitting details, is shown on the accompanying chart:

V. FUNCTIONS OF VARIOUS DEPARTMENTS

A summary of the powers of the departments under the code was given in the supplement to this REVIEW for November, 1919 (pp. 646-647), and may be here reproduced:

The department of finance is regarded as being not only the most important of the code departments, but as having practically a new field of work. Outside of the functions of the governor's auditor and the compilation of budget estimates by the legislative reference bureau it took over no work performed by previously existing administrative agencies. Briefly, the functions of this department are to examine the accuracy and legality of accounts and expenditures of other code departments; to prescribe and install a uniform system of accounting and reporting; to examine, approve or disapprove all bills, vouchers and claims against the other departments; to prepare the budget for submission to the governor; and to formulate plans for better co-ordination of the work of the departments. Under the finance code, enacted by the 1919 legislature, the powers of this department are extended in a large measure over the non-code departments and agencies. Through his power to alter the estimates in the preparation of the budget, the director of finance next to the governor becomes the most powerful officer in the code administration. The subordinate officers of this department, as specified in the code, are the assistant director of finance, administrative auditor, superintendent of budget and superintendent of department reports.

All agricultural and related activities, as well as food inspection, are included under the department of agriculture. This department promotes horticulture, live stock industry, dairying, poultry raising, bee keeping, forestry, fishing and wool production. It gathers and disseminates knowledge pertaining to agricultural interests. The inspection of commercial fertilizers and the conduct of state fairs are under its control. Under the director of agriculture there is an assistant director, general manager of the state fair, superintendent of foods and dairies, superintendent of animal industry, superintendent of plant industry, chief veterinarian and chief game and fish warden.

The functions relating to the regulation of labor, the promotion of the welfare of wage earners and the improvement of working conditions are performed by the department of labor. This department collects, systematizes and reports information concerning labor and employment conditions throughout the state. The subordinate officers of the department, besides an assistant director, are a chief factory inspector, a superintendent of free employment offices, and a chief inspector of private employment agencies. The industrial commission under this department administers the laws pertaining to arbitration and conciliation.

The department of mines and minerals controls the inspection of mines, the examination of persons working in mines, and the fire fighting and mine rescue stations. Attached to the department are the mining board, consisting of four members and the director of the department, and the miners' examining board, composed of four members.

The department of public works and buildings, next to the department of finance, is probably the most important. It has control over the construction of highways and canals, supervision of waterways, erection of public buildings and monuments, upkeep of parks and places of interest, and purchase of supplies for the departments and charitable and penal institutions. The purchasing division of the department amounts practically to a central purchasing agency for the code departments. Leases are made for the several departments by this department. Besides the assistant director of the department there is a chief highway engineer, a supervising architect, a supervising engineer, and five superintendents, namely, of highways, waterways, printing, purchases and supplies, and parks.

The department of public welfare has jurisdiction over all charitable, penal and reformatory institutions of the state. It also performs the functions of the board of pardons. The department has an alienist, criminologist, fiscal supervisor, superintendent of charities, superintendent of prisons and superintendent of pardons and paroles.

The department of public health exercises general functions relating to health and sanitation except the examination and registration of physicians and embalmers. It maintains chemical, bacteriological and biological laboratories, and distributes antitoxines, vaccines and prophylactics for the prevention and treatment of communicable diseases.

The department of trade and commerce has charge of the regulation of insurance, grain inspection, inspection of railway safety appliances, fire inspection, and the regulation of weights and measures. The public utilities commission operates under this department.

The principal work of the department of registration and education is the examination of applicants for state licenses in the trades and professions. In conducting such examinations the department has the assistance of ten examining boards, one for each trade or profession, the members of which are appointed by the director. The administration of the state normal schools is placed in this department under the direction of the normal school board. The department acts as an investigating agency for a number of the other departments.

VI. IMPROVED EFFICIENCY OF EXECUTIVE DEPARTMENTS

Each department is given a considerable degree of control over its own internal organization. The director of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees, and the distribution and performance of its business; and each department may employ necessary employees, under civil service regulations, and fix their compensation when not fixed by law. The governor is given no power of transferring services from one department to another; but one department may under certain circumstances require necessary assistance from another department; and the director of any department may require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates. In order to avoid conflicts among the departments, it is provided that "the directors of departments shall devise

a practical and working basis for co-operation and co-ordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, co-operate with each other in the employment of services and the use of quarters and equipment." In order further to avoid duplication and friction, the department of finance is empowered "to investigate duplication of work of departments and the efficiency of the organization and administration of departments, and to formulate plans for the better co-ordination of departments." Whenever power is vested by the code in a department to inspect, examine, secure data or information, or to secure assistance from another department, a duty is imposed upon the department upon which the demand is made, to make such power effective.

The employees in each department may thus be subject to service in other departments and without extra pay. This transfer of employees has been made occasionally when one department happened to be rushed with the peak load of its work while some other department was able to spare some of its employees for this purpose. Incidentally, this tends to prevent a position in the state service from being considered such a sinecure as was formerly the case, since it provides for the steady occupation of employees. The code, moreover, specifically provides that each executive and administrative officer, with few exceptions, shall hold no other office or position of profit and shall devote his entire time to the duties of the office. Seven and one-half hours is made the standard working day and each department is required to be open for eight and one-half hours daily for the transaction of public business, except on holidays.

Previous to the enactment of the code, as has been indicated, there were

more than a hundred separate and practically independent administrative agencies, which were in many cases scattered over the state, and it was impracticable for the governor to keep watch over such a large number of agencies or to know what was being done by them. The consolidation of these bodies into nine departments rendered it much more feasible for the governor to keep himself acquainted with their activities. The code requires that each director of a department shall annually and at such other times as the governor may require report in writing to the governor concerning the condition, management, and financial transactions of his department. In practice, these reports are more frequently made, and the governor also requires quarterly financial statements from the constitutional elective officers. The heads of departments, moreover, have offices in the state capitol building where the governor can keep in close touch with their work and hold personal conferences with them regarding their duties at any time he may deem it desirable. Although some departments maintain branch offices in Chicago and other points in the state, the principal office of each department is located at Springfield, and some scattered branch offices maintained previous to the enactment of the code have been closed.

As carrying out in a concrete way the principle of co-operation among the departments, a single volume has been published containing the first annual reports of all the departments under the code. This is known as the first administrative report of the directors of departments. Although the military and naval department under the adjutant-general is not affected by the code, the report of that officer is also included in the volume.

Shortly after the enactment of the

code the practice was adopted of holding regular weekly meetings attended by the directors and assistant directors and, occasionally, the governor was also in attendance when important matters of policy were to be considered. The assistant directors also held meetings by themselves. At these meetings questions of duplication and the means of increasing co-operative action among the departments have been discussed, and the meetings have served to promote harmony and an *esprit du corps* among the personnel of the administrative departments. After the new plan of operation under the code, however, had gotten into good running order, these meetings were held less frequently and they are now held only upon call.

It is the duty of the advisory boards to study the entire field of their work; to advise the executive officers of the department upon their request; to recommend on their own initiative policies and practices which recommendations the executive officers of the department are directed duly to consider; and to advise the governor and legislature when requested or on their own initiative. These boards are also empowered to investigate the conduct of the work of their respective departments and for this purpose to have access to all official records and papers and to require written or oral information. In order to avoid friction or misunderstanding between the advisory boards and the executive agencies under the code, it is provided that such boards must meet not less frequently than quarterly, and must permit the governor and director of the department concerned to be present and to be heard upon any matter coming before the board.

The Governor's Message of 1919

The civil administrative code has now been in effect more than three

years and one of the best indications of its success in operation is the fact that there is not only no demand for its modification but any movement in that direction would undoubtedly meet with determined opposition from the people of the state generally. In his biennial message to the legislature of 1919, Governor Lowden said:

The civil administrative code went into effect on July 1, 1917. It amounted to a revolution in government. Under it a reorganization of more than one hundred and twenty-five boards, commissions and independent agencies was effected. Nine departments, with extensive and real power vested in each head have taken the place of those bodies, which were abolished, and discharge, under the general supervision of the governor, the details of government for which the governor is responsible. At the time the bill was up for consideration it was claimed that it would result in both efficiency and economy.

It has more than justified all the expectations that were formed concerning it. The functions of the government are discharged at the capitol. The governor is in daily contact with his administration in all its activities. Unity and harmony of administration have been attained, and vigor and energy of administration enhanced.

It seems to me almost providential that it should have been enacted into law before war actually came. A large number of the state's most expert officials and employees were drawn upon by the government at Washington because of the exigencies of the war. The same difficulties arose in the conduct of public business, which vexed private business so much. There was necessarily much confusion. The cost of all supplies rose rapidly. Unless the more than hundred scattered agencies, which had existed theretofore, had been welded by the civil administrative code into a compact and co-ordinate government, anything like efficient state government, during these difficult times, would have been impossible. Illinois, through the greater elasticity and efficiency of her new form of government, was able to meet every emergency of the war without an extraordinary session of her legislature.

The appropriations made by the last general assembly were based upon pre-war prices and conditions. And yet, we will have completed the bienium without a deficiency in any depart-

ment under the code, with the exception of the item of supplies for the charitable and penal institutions in the department of public welfare.

At the 1919 session of the legislature, which was the next after the enactment of the code, no change was made in its fundamental features, but certain amendments were adopted. One amendment was the creation of a tax commission in the department of finance. In this regard, Governor Lowden, in the message just quoted, said:

One of the imperative needs of the time is a general revision of our revenue laws, with radical changes in our taxing machinery. Taxation has become an intricate and complex science. A state board of equalization, however high its motives, finds itself illy equipped to deal with these questions. The more advanced states have already abandoned this method of taxation. With the best that they can do, the assessments they fix are merely guesses and inequality in taxation is the rule and not the exception.

I believe that the state board of equalization should be abolished. Its functions should be devolved upon a central department with plenary powers of supervision and control which, with the assistance of men trained and expert on the subject of taxation and devoting their whole time to their duties, may secure a just and equitable assessment of property.

The elasticity of the code and its adaptability to expansion was illustrated by the ease with which the newly created tax commission was fitted into the framework of the code organization.

Centralized Purchasing

A step in the direction of more economical state expenditure is the power conferred upon the department of finance to prescribe uniform rules governing specifications for purchases of supplies for the several departments. The actual purchase of most of the supplies needed by the various state departments and by the charitable, penal and reformatory institutions is

concentrated in the hands of the department of public works and buildings. It is provided by the code that supplies for the departments, except in cases of emergency and in the case of perishable goods, shall be purchased in large quantities, and contracts for such supplies, as well as for buildings, construction work exceeding the value of one thousand dollars and fuel shall be let to the lowest responsible bidder. Some supplies, however, are still purchased, as formerly, by the secretary of state, a circumstance which illustrates how the existence of the practically independent constitutional officers prevents that complete centralization and concentration of function which a logical development of the system would require. However, a large degree of concentration in purchasing has been secured and, as the governor stated in his message already quoted:

All bills are now paid promptly, and thus the credit of the state is greatly improved, enabling the state to secure better prices upon the commodities it has to purchase. We also are able to take advantage of all cash discounts, which in itself has resulted in a considerable saving.

The superintendent of purchases and supplies in the department of public works and buildings thus states the results of the first year's experience in making purchases under the code:

One year's experience has taught this division: (1) that centralized purchasing makes available to the state the services of experts in buying through co-ordination with the specialists of the various divisions; (2) that purchasing in large quantities instead of small secures uniformity of price and quality for the same article consumed by the different divisions; (3) that it centralizes the point of contact between bidders and the state; (4) that it locates responsibility for determining price; (5) that it establishes an automatic check over deliveries in so far as supplies and materials bought by this division are received and checked by the divisions which consume them; (6) that it prompts the establishment of

standards for various classes of supplies consumed by the divisions; (7) that the taking of discounts invites prompt deliveries, lower quotations and reliable competition.¹

Finance Administration

From the standpoint of general state administration, the most important department created under the code is the department of finance. The efficiency and economy committee, created in 1913, recommended the establishment of a state finance commission, to be composed of the state auditor, state treasurer and three appointive members. The auditor was to be empowered to audit the accounts of state officers and institutions and also of certain local officers, to investigate and enforce the collection of state revenues, and to issue to the fee-collecting offices certificates for which fees are paid, as a means of auditing collections from such sources. The civil administrative code, though creating a state finance department, could not, of course, materially change the position of the state treasurer and auditor, who are constitutional officers. The act might, however, have affected the statutory powers of the state constitutional officers, but failed to do so. Thus, the attorney-general still retains the power of collecting the inheritance tax, the auditor of public accounts still has charge of the supervision of banks and building and loan associations, and the secretary of state continues to supervise some corporations and to enforce the automobile laws. The existence of these statutory powers in the hands of independent, elective, constitutional officers tends to disintegrate the administration and to cause overlapping of functions. Both the state auditor and the director of finance have the power of audit, but a working

arrangement has been made whereby the finance department does not make independent audits but accepts those of the state auditor. The director of finance may approve bills in a preliminary way, but, under the constitution, final approval is in the hands of the auditor. Finance administration is thus described in the constitutional convention bulletin on the executive department (pp. 696-697):

State finance administration is distributed between a number of elective officers and appointive boards without concentrated responsibility. Various state departments have duties of some importance in this field, including the governor, the auditor of public accounts, the treasurer, the tax commission, the finance department, the secretary of state (as receiver of corporation fees and automobile licenses), the attorney general (in supervising the inheritance tax), the department of trade and commerce (as receiver of insurance fees and taxes), the tax levy board, the court of claims, and the state depository board. Some auditing powers are vested in the civil service commission through its control of state employees, and in the department of public works and buildings, through its power over state contracts, and supervision of purchasing.

The procedure necessary in the payment of salaries of state employees under the civil administrative code will illustrate the working of some of the components of this financial system. A monthly payroll is sent by the department issuing it to the civil service commission for its certification that none of the employees are employed in violation of the provisions of the civil service act. It is then sent to the department of finance, where it must be audited and approved. The department of finance sends it to the auditor, who again ascertains that the payments therein specified are authorized by the appropriation act, a repetition of the work of the department of finance. The auditor then issues warrants on the treasurer for the payment of the employees. In case a contract, or purchase of supplies, is involved, instead of personal service, the voucher issued by the departments incurring the liability must also be approved by the department of public works and buildings. Every payment of money from the state treasury

¹ Report of the Directors under the civil administration code, 1918, p. 174.

by a department under the civil administrative code involves this cumbersome financial procedure.

The Budget

Under an act of 1913 a legislative reference bureau had been established, one of its duties being to cause to be compiled "a detailed budget of the appropriations which the officers of the several departments of the state government report to it are required for their several departments for the biennium for which appropriations are to be made by the next general assembly." This was a step in the right direction, but in several respects it fell short of what was needed. It is to be noted that the so-called budget mentioned in this act was not strictly a budget in the proper sense of the word, since it made no provision for a statement of the estimated revenues. Moreover, no authority was granted to the bureau to make any responsible recommendations in regard to the estimates. The bureau acted in a mere clerical capacity as an assembling and transmitting agent. The information upon which the legislative appropriations were based were derived largely from the estimates of needs made by the heads of the respective departments, and the total estimates, therefore, were the result of no state wide plan. Evidence of the lack of, and need of more systematic methods in financial legislation is found in the amount of deficiency appropriations passed in each general assembly, which increased from about \$133,000 in the forty-seventh to about \$400,000 in the forty-ninth general assembly. An effort to provide for this situation in a more systematic manner was made by the legislature of 1919, which appropriated a reserve fund of \$500,000 to be apportioned between the departments under the civil administrative code and the military and naval de-

partments and allotted from time to time by the director of finance with the approval in writing of the governor.

In the forty-eighth general assembly there were ninety-four separate appropriation acts, and two years later there were eighty-eight, containing hundreds of detailed items. Most of these bills were reported from committee and passed near the close of the session when any adequate consideration of them was practically impossible. Under the constitution, appropriations for salaries of state officers must be in a separate bill, but all other appropriations might be combined in one or a few measures. Greater uniformity in the classification of items, however, has been secured through the operation of the civil administrative code, which facilitates comparison between different institutions and different fiscal periods.

The budget should be a comprehensive financial statement showing the actual financial condition of the state in its entirety, with estimated receipts and expenditures for the succeeding fiscal period. In this connection it may be remarked that, in order to facilitate the compilation of the budget, the fiscal periods of the various state departments should coincide, and these, in turn, should correspond with the appropriation period. The budget plan should be the basis of the budget bill or bills. There should be as few budget bills as legally possible, in order that it may be as comprehensive as possible, and no special or supplementary appropriation bills should be considered except under proper restrictions.

By the civil administrative code, each department, office and institution is required to file biennially in the office of the director of finance on uniform blanks prescribed by the director estimates of receipts and expenditures for the succeeding two years, with an

explanation of reasons for each item of expenditure requested. The director of finance is empowered to investigate all items and to revise the estimates before submitting them to the governor for transmittal to the general assembly. The governor is required to submit to the general assembly not later than four weeks after its organization a state budget, embracing the amounts recommended by him to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation and from other sources, and an estimate of the amount required to be raised by taxation. Thus the budget, when it reaches the general assembly, has the official support and authority of the governor, though legal control over the appropriation and revenue acts still remains largely with the legislature, subject to the power of the governor to veto appropriation items. The submission of such an official budget, backed by the authority and prestige of the governor, is an important step in the direction of more economical expenditure of state money. As stated in the second annual report of the department of finance (p. 38), "of the sums appropriated by the last general assembly, large amounts remain unexpended and will lapse into the general revenue fund on September 30."

The inclusion of provision for a budget in the civil administrative code was eminently proper, for the matter of a budget system for the state is intimately associated with the program of the consolidation of the numerous state agencies. The scattered and disorganized condition of the administrative agencies, which has heretofore existed, has interfered with the development of a scientific budget system. The considerable number of separate agencies, and the consequently large

number of separate requests for appropriations, makes it difficult for the budget-making authority to give them any adequate scrutiny or examination. There should be concentrated responsibility for the estimates, and this can properly be assumed only by the governor, as the head of the administration. If the governor is to be required to assume the responsibility for the estimates in the budget it follows as a logical corollary that he must be provided with adequate means for scrutinizing the estimates as they come to him from the heads of departments, and for giving them study and criticism, so as to prune them to the proper proportions in view of the general financial condition of the state. Under the code, this function is performed for the governor by the department of finance.

Governor Lowden, in his message previously quoted, thus described the work of the department of finance:

In pursuance of the powers vested in that department, it has provided for a uniform system of bookkeeping in all branches of the government under the governor's control. It has prescribed forms for accounts and financial reports. It has supervised and examined the accounts and expenditures of the several departments. It has approved or disapproved all vouchers, bills and claims of the several departments. It has required each department, before an appropriation for such department should become available for expenditure, to prepare and submit to the department of finance an estimate of the amount required for each activity to be carried on within such department.

With reference to the work of the department in preparing the budget, the governor said:

The department of finance is also required, under the administrative code, to prepare a budget, and full powers were vested in the department to make any investigation which might be necessary to enable it to formulate intelligently the financial needs of the state for the

next biennium. Such investigation has been made and the budget has been prepared as required by law, and will be submitted to your honorable body. It will be readily seen that the director of finance began, in fact, preparing for the budget on July 1, 1917, for when he exercised his powers of supervision over the accounts of the several activities of the state, he began to form some idea as to the real needs of the state. At this time I need only say that the budget is the result of many months of exhaustive study and arduous work. I believe that it will commend itself to your wisdom.

The finance department, through its power, under the governor, of recommending appropriations, exercises supervision over the activities of the other departments. It passes on requisitions of the other departments and may, under certain circumstances, refuse to approve requisitions and vouchers. It requires the other departments to furnish monthly detailed statements of their financial operations set out in appropriate items. Before money issues from the treasury to be expended in the discretion of the heads of departments, it must have the approval of the department of finance. This, however, is not true in the case of the constitutional elective officers, over whom the finance department exercises little supervision. The supervision of the department, however, over the non-constitutional state agencies which are not under the code was strengthened by the enactment of the finance code in 1919 requiring the approval of the department for the ordinary and contingent expenditures of such agencies.

The budget submitted by the governor to the legislature is accompanied by the estimates of the various departments. The appropriation committees of the legislature and the department of finance work together in drawing up the appropriation bills. The total of the appropriations as passed by

the legislature of 1919 differed but a comparatively small per cent from the recommendations of the finance department and the governor. This was especially true with reference to the code departments. It was evident, however, that the constitutional elective officers could and did go over the heads of the governor and his finance director and make direct requests to the legislature for appropriations. The comparative success of the first budget was due in part to the personal and political prestige of the governor, but also largely to the fact that the numerous administrative agencies were consolidated at the same time. In reference to this point, the following colloquy occurred in the testimony of Director of Finance Wright before the house budget committee:

MR. TEMPLE: Would you be ready to say, Mr. Wright, that the changes and advantages which you find in Illinois have come more from a reorganization of the work, or more from this one element of the budget system as adopted in Illinois?

MR. WRIGHT: Well, I rather feel that the one is so dependent on the other, so intermingled with the other, that it would be rather difficult to divorce or segregate the advantages which might have been achieved with either one by itself. I do not think we could have submitted an intelligent budget, a budget that the legislature would have concurred in had it not been for the consolidated form of government, and thus being able to confer in ten minutes with a director upstairs, or across the hall from you, and I think that is invaluable, and we would not have gotten anywhere if we had to go out and have had to get 125 varying estimates and gone into a survey and details of each one by itself; I do not think we would have gotten anywhere with that.

If the success of the budget system depended so largely upon the consolidation of administrative agencies which was made at the same time, it follows that if the consolidation had been more complete, the success of the budget

system would have been still greater. It should be noted that the civil administrative code does not undertake to reorganize the whole field of state administration, and certain important agencies are unaffected. The department of finance does not control the state auditor and treasurer nor the administration of the revenue laws. The code does not affect the constitutional officers, such as secretary of state and attorney-general, nor their constitutional functions. It does not even affect their statutory functions. A number of statutory bodies and agencies are also left outside the code organization, such as the board of trustees of the University of Illinois, the adjutant-general and national guard, the state civil service commission, the legislative reference bureau, and the state library. With reference to the constitutional elective officers, the experience with the budget of 1919 shows that they are in a position of practical independence of the governor, who cannot control the estimates nor the appropriations for their departments. The director of finance may undertake to revise their estimates, but, as stated, they may and do go over his head and even over the head of the governor direct to the legislative appropriation committees and secure increased appropriations. On account of the strong political position of these officers, the governor and director of finance do not care to oppose their requests. The secretary of state and the attorney-general especially are important leaders in the party organization. The secretary of state was manager of the governor's recent pre-nomination campaign for president of the United States. Consequently,

it is not easy for the governor to resist their requests for increased appropriations, nor to advocate the taking away of any of their statutory functions. The effect on the budget, however, is unfortunate, for, as has been said, "no machinery, either statutory or constitutional, will produce a single executive responsibility for the budget, so long as there is not a single executive responsibility for the conduct of the affairs of the state government." (Illinois Constitutional Convention Bulletin, No. 4, p. 286.)

VII. CONCLUSION

In spite of the fact, however, that the civil administrative code did not, in some respects, go as far as it might have gone and, in others, could not go further on account of constitutional restrictions, it nevertheless has gone far toward introducing a scientific and efficient form of administrative organization in the state government and is undoubtedly the most important step in this direction and the most comprehensive plan of administrative consolidation that has thus far been undertaken in this or in any other state. No state, however, can expect to work out its political and governmental salvation through mere administrative machinery. The character of the men who work the machinery is equally if not more important. In the last analysis, therefore, the successful working of the civil administrative code is dependent on the competence of the governor and of his appointees to the directorships, but scientifically constructed machinery is a help to the most capable of officers, and this help has been in large measure supplied by the code.